

# EXHIBIT 15

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

-----X  
IN THE MATTER OF COEYMAN'S MARINE  
TOWING, LLC D/B/A CARVER MARINE  
TOWING AS OWNER AND OPERATOR OF M/T  
MACKENZIE ROSE, (IMO NO. 8968765) HER  
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,  
APPAREL, AND APPURTENANCES, ETC., IN REM,  
(“M/T MACKENZIE ROSE”),

CIVIL ACTION  
NO: 2:24-CV-00490

PETITIONING FOR EXONERATION FROM OR  
LIMITATION OF LIABILITY IN ALLISION WITH  
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD  
COMPANY MAIN LINE RAILROAD BRIDGE  
(THE “BRIDGE”) OCCURRING JUNE 15, 2024 IN  
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

-----X  
June 18, 2025  
10:49 a.m.

AN IN PERSON VIDEOTAPED DEPOSITION of  
JASON MCGRATH, taken by the respective  
parties, pursuant to Order, held at the  
offices of 405 Lexington Avenue, New York,  
before Larin Kaywood, a Notary Public for  
and within the State of New York.

JOB NO.: 114502

## JASON MCGRATH

June 18, 2025

	Page 2	Page 4
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2	* * * * *	
	Page 3	Page 5
1	INDEX	1
2	EXAMINATION OF JASON MCGRATH	2
3	EXAMINATION BY	PAGE
4	MR. CHAPMAN	5
5	MR. RODGERS	74
6	EXHIBITS	
7	MARKED FOR IDENTIFICATION	
8	DESCRIPTION	PAGE
9	Exhibit 1 - Mackenzie Rose Daily Log	52
10	TBS Helm Connect 000503-504	
11	- PREVIOUSLY MARKED EXHIBITS	
12	(BRIAN MOORE DEPO 4/28/25) -	
13	Exhibit 12 - Jason Thomas McGrath	3
14	Employment Records	
15	Exhibit 13 - Handwritten and Typed	44
16	Statements of	
17	Jason Thomas McGrath	
18	Exhibit 5 - Crew Matrix of	74
19	MACKENZIE ROSE	
20	Exhibit 38 - Certificate of Inspection	75
21		
22		
23		
24		
25		
1	JASON MCGRATH, having first been duly sworn	1
2	by a Notary Public for and within the State	2
3	of New York, upon being examined, testified	3
4	as follows:	4
5	THE REPORTER: Please state	5
6	your name for the record.	6
7	THE WITNESS: Jason McGrath.	7
8	THE REPORTER: What is your	8
9	current address?	9
10	THE WITNESS: 43 Eaton Street,	10
11	Charlestown, New Hampshire 03603.	11
12	EXAMINATION BY	12
13	MR. CHAPMAN:	13
14	Q. Thank you.	14
15	Good morning, Mr. McGrath.	15
16	A. Good morning.	16
17	Q. My name is Jim Chapman, we	17
18	introduced ourselves just a few minutes	18
19	ago.	19
20	A. Yes, sir.	20
21	Q. I'm going to ask you some	21
22	questions today fundamentally because you	22
23	were assigned to the Tug Mackenzie Rose	23
24	back in June of 2024, and there's a lawsuit	24
25	about damage to my client's bridge, the	25

## JASON MCGRATH

June 18, 2025

<p style="text-align: right;">Page 6</p> <p>1 Belt Line Bridge that happened on June 2 15th, 2024.</p> <p>3 Do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay, so let me start.</p> <p>6 Do you currently work for 7 Carver?</p> <p>8 A. No.</p> <p>9 Q. Who do you work for right now?</p> <p>10 A. Right now I work for Andrew 11 Pearce Bowls Company and D&amp;E Tree Work.</p> <p>12 Q. So you have two jobs?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is either one of them involved 15 in sailing?</p> <p>16 A. No.</p> <p>17 Q. Do you still have a license 18 issued by the Coast Guard?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. We'll get to that in a 21 minute, but -- so can you tell us like the 22 window of time that you worked for Carver, 23 like, when to when?</p> <p>24 A. I want to say it maybe only 25 have been between six months and ten</p>	<p style="text-align: right;">Page 8</p> <p>1 the license, you can't sail. Coast Guard 2 regulations.</p> <p>3 Q. Okay.</p> <p>4 A. It was a medical certificate.</p> <p>5 Q. Okay.</p> <p>6 A. That was -- I had trouble. It 7 was a hang up with it. They were 8 backlogged.</p> <p>9 Q. Got you.</p> <p>10 A. And didn't want to give anybody 11 a grandfather.</p> <p>12 Q. Was it reissued eventually?</p> <p>13 A. Yeah. Yes. It's -- once I got 14 the information squared away between them 15 and the VA, it's -- they sent it right out, 16 but by then, it was October, I think.</p> <p>17 Q. Okay. I don't want to get 18 to --</p> <p>19 A. So my spot was filled.</p> <p>20 Q. Gotcha. I don't want to get 21 too deep into your health issues --</p> <p>22 A. Yep.</p> <p>23 Q. -- but what was it that was 24 preventing you getting the license from the 25 Coast Guard?</p>
<p style="text-align: right;">Page 7</p> <p>1 months --</p> <p>2 Q. Okay.</p> <p>3 A. -- from what I remember.</p> <p>4 Q. When do you remember leaving?</p> <p>5 A. The beginning of the summer, 6 around there.</p> <p>7 Q. This year?</p> <p>8 A. No, last year. Last summer.</p> <p>9 Q. Okay. So when you say 10 "beginning of the summer," that would've 11 been --</p> <p>12 A. June.</p> <p>13 Q. -- not long after this voyage?</p> <p>14 A. No, no. No. Because I had 15 a -- I had an issue with one of my Coast 16 Guard licenses --</p> <p>17 Q. Okay.</p> <p>18 A. -- and the VA. So it took 19 forever to get it squared away.</p> <p>20 Q. Got you. So there was like 21 a -- you didn't have a license to sail or 22 to --</p> <p>23 A. Right.</p> <p>24 Q. -- serve?</p> <p>25 A. You can't -- if you don't have</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Oh, I had breathed in a lot of 2 bad stuff over in the dessert, and it 3 caused a form of COPD and with my lungs, 4 and it was on my medical license -- or it 5 was on my Coast Guard medical certificate.</p> <p>6 But with the medication I was 7 on and this and that, it's cleared up 8 recently, actually. And because I stated 9 it was still there -- sorry, I stated that 10 it was gone, but they needed verification 11 from the VA and because I wrote there but 12 never gave them anything saying -- from the 13 VA saying it was gone, they red-flagged my 14 medical certificate.</p> <p>15 Q. Gotcha. My dad had COPD from 16 exposure to Agent Orange --</p> <p>17 A. Wow.</p> <p>18 Q. -- when he was in Vietnam. And 19 so I know a little bit about that. Were 20 you on, like, Albuterol or some other drug?</p> <p>21 A. Albuterol, and I had this stuff 22 I had to crush up and inhale every day. 23 Albuterol for if I had flare ups, but 24 there -- it wasn't too often I'd use that, 25 but -- Spiriva, I think was the name of</p>

June 18, 2025

Page 10		Page 12
1 it --		1 tell you 100 percent. I know I -- that was
2 Q. Okay.		2 already renewed and the only -- everything
3 A. -- that I'd inhale every day.		3 was renewed except for my medical
4 Q. Are you over that now?		4 certificate. As the exact date, I couldn't
5 A. Yeah. I've -- it's		5 tell you offhand.
6 actually -- they -- my last pulmonary		6 Q. Okay.
7 function test, they said it was gone.		7 A. I'd be guessing.
8 Q. That's awesome.		8 Q. All right. But you think you
9 A. I'm not sure how that worked,		9 stopped working sometime in the summer of
10 but I'm grateful for it.		10 2024?
11 Q. Okay. So it sounds like you		11 A. It was the springtime because I
12 couldn't sail, you couldn't work for Carver		12 remember I didn't work at all that summer
13 as an engineer because your license went		13 on the water.
14 into sort of suspended status or		14 Q. Okay. It obviously would've
15 expired --		15 been sometime after this collision with the
16 A. Well, without a valid medical		16 bridge occurred?
17 certificate, I couldn't sail for anybody as		17 A. It would -- yes.
18 a merchant mariner.		18 Q. Yes.
19 Q. Got it. And you think that was		19 A. Yes, sir. It might have
20 sometime last summer, summer of 2024, when		20 been -- it was either that hitch or the
21 you had stopped sailing?		21 hitch after, I believe.
22 A. Well, I had sent it in the -- I		22 Q. Okay.
23 think four months prior to its expiration		23 A. Like I said, I couldn't be 100
24 with my physical, and I wasn't notified		24 percent on that.
25 until it had expired, by the Coast Guard		25 Q. Got it. All right. So when
Page 11		Page 13
1 when I contacted them looking for it that		1 you worked for Carver, were you always
2 it was flagged. And I don't know if they		2 assigned to the Mackenzie Rose?
3 forgot to e-mail me or send something out,		3 A. No. I was on a -- another -- a
4 but --		4 smaller tug before then. And then they
5 Q. Okay.		5 sent me to the Mackenzie Rose.
6 A. -- it threw me for a loop.		6 Q. Okay. And -- so can you give
7 Q. So I'm going to hand you a		7 us an estimate how much time or how long
8 document. And it's been marked previously		8 you were actually assigned to the Mackenzie
9 as an Exhibit Number 12 in somebody else's		9 Rose during your employment with Carver?
10 deposition, which I think is your merchant		10 A. A few months. Not -- three or
11 mariner credential, or a copy of it any		11 four maybe.
12 way. Carver produced that to us. It's		12 Q. Okay. What was --
13 just a -- it's a photocopy.		13 A. I think I only worked for them
14 And it looks to me like it was		14 six or eight. I mean, it was -- most of my
15 going to expire on June 25th of last year?		15 time working for them was on the Mackenzie
16 A. Mm-hmm.		16 Rose, I believe.
17 Q. Is that right?		17 Q. Okay, I appreciate that. So
18 A. Yep.		18 what was the rotation?
19 MR. RODGERS: What number was		19 A. Two weeks on, two weeks off.
20 that?		20 Q. All right. And during your two
21 MR. CHAPMAN: It was marked as		21 weeks off, did you sail for anybody
22 Exhibit 12 in Mr. Moore's deposition.		22 else --
23 Q. So was it after June 25th that		23 A. No.
24 you were no longer sailing?		24 Q. -- or do anything in your weeks
25 A. This was -- yeah, I couldn't		25 off?

## JASON MCGRATH

June 18, 2025

	Page 14		Page 16
1	A. Small mechanic work for myself,	1	just put it back in.
2	worked for buddies, nothing on the water.	2	Q. Got it.
3	Q. Okay. Can you tell me about	3	A. Yeah.
4	like what you believed or what your	4	Q. So is that anything if
5	engineering responsibilities were on the	5	it -- the power to the rudder is not
6	Mackenzie Rose?	6	working and you have to go fix it, is that
7	A. Maintenance of the propulsion	7	something you would like record in a log
8	and marine systems and -- as well as the	8	anywhere or keep track of?
9	sanitary systems, and the kitchen, and the	9	A. I would record repairs, but if
10	decks, and the fuel -- fueling and	10	it was something quick like that, just push
11	discharge. Basically everything so it	11	it in, I -- no -- not really. I
12	operates efficiently.	12	would -- sometimes small things, I wouldn't
13	Q. Would that include steering?	13	log in, no.
14	A. The hydraulic steering, yes.	14	Q. Do you know whether there was a
15	Q. Yeah, anything else?	15	login system for the rudder on the boat?
16	A. I'm sure there's something I'm	16	A. No. We had our general
17	missing, but...	17	engineer's book that we logged things in
18	Q. Okay. So as an engineer, did	18	for the upcoming engineer. So if there was
19	you ever handle lines?	19	an issue, we could go back to each other's
20	A. Yes, I'd have to. We were	20	notes to see if --
21	always a man short, so I would go out and	21	Q. Do you remember who the guy you
22	help the deckhands.	22	rotated two weeks on and off with --
23	Q. What do you mean by "a man	23	A. I believe his name was Chris.
24	short?"	24	Q. Okay.
25	A. Well, that is a larger boat and	25	A. Yeah. But he was there long
	Page 15		Page 17
1	we were usually a five-man crew when	1	before me. I was pretty much -- that boat
2	we -- we could -- always needed a sixth	2	was pretty much his baby.
3	man.	3	Q. I got it.
4	Q. Okay. And not having a sixth	4	A. So it was -- I just basically
5	man, you ended up being the guy that would	5	went along with his -- by his notes and
6	assist in whatnot?	6	kept things the way he had it because he
7	A. Right. Go out and break tow	7	did a lot of work to that boat.
8	and help them put in a push gear or take	8	Q. I've seen in a log a guy with
9	from push gear, put into tow.	9	the last name, Kushner, does that ring any
10	Q. Okay, all right. And did you	10	bells?
11	ever have to perform lookout duties?	11	A. He was before me.
12	A. No.	12	Q. Okay.
13	Q. All right. Did you have any	13	A. Yeah.
14	responsibility for the -- any of the	14	Q. Kushner was before you. All
15	electronic systems on the boat?	15	right. But you didn't actually work with
16	A. Some systems. The radios, the	16	this other guy, Chris?
17	older radar, and -- yeah, not much else	17	A. No.
18	than that.	18	Q. He was on when you were off?
19	Q. When you say "the older radar,"	19	A. Right, we swapped over.
20	what -- can you tell us a little bit about	20	Q. Okay. Did he -- did -- do you
21	that?	21	feel like he gave you any training to be
22	A. Just if -- sometimes it	22	the engineer on the Mackenzie Rose?
23	wouldn't power on, so I had to find the	23	MR. RODGERS: Objection to
24	power supply in the closet, and once I	24	form.
25	found it, it was just a loose plug, so I	25	You can answer.

JASON MCGRATH

June 18, 2025

Page 18		Page 20
1	A. Certain things that I would've 2 questions about, I would ask him, like what 3 he knew about it, but it was nothing that I 4 hadn't dealt with on other boats.	1 A. Portside. Yes, sir. 2 Q. Okay. Did -- could you tell 3 whether that involved the port rudder or 4 whether it involved both rudders or do you 5 know?
5	Q. Got it. I take it you had 6 sailed before going to work for Carver?	6 A. Well, the autopilot -- 7 MR. RODGERS: Just objection, 8 to the extent you're asking him an 9 expert question, but he -- 10 MR. CHAPMAN: I'm just asking 11 him what he knows. 12 MR. RODGERS: I got to finish 13 my objection. 14 But you can answer as to what 15 you know.
7	A. Yeah. I've been a mechanic and 8 on the water most of my life.	16 A. I know the autopilot controls 17 the rudders. So if it went out of sync and 18 kicked to one side, the rudders would go to 19 that side.
9	Q. All right. What branch of the 10 service were you in?	20 Q. Okay. 21 A. Would steer to that side. 22 Q. You said there was a technician 23 that came out? 24 A. On one of my hitches, yes. 25 Q. All right. Do you remember who
Page 19		Page 21
1	A. Bunker tugs, yes. 2 Q. Yeah, okay. 3 THE REPORTER: Just give him a 4 second to finish his questions before 5 you answer, okay? 6 THE WITNESS: Oh, yep. Yep. 7 THE REPORTER: It's okay. And 8 Vane is? 9 MR. CHAPMAN: Vane, V-A-N-E. 10 Yeah. 11 Q. So while you were working as 12 the engineer on the Mackenzie Rose, were 13 there any problems with the rudder other 14 than the one you described occasionally 15 having to go fix a connection?	1 the technician was? 2 A. No. 3 Q. Remember what company they were 4 with? 5 A. No. 6 Q. Do you remember what port you 7 were in or what vicinity you were in when 8 that took place? 9 A. I believe we were in New York 10 Harbor somewhere when he came aboard, I 11 believe. 12 Q. Okay. So again, the same 13 questions relative -- just the steering 14 system, not the autopilot. But ever any 15 problems with the steering system --
16	A. Nope. 17 Q. Okay. Ever any problems that 18 you knew of involving the autopilot system? 19 A. There were a couple previously, 20 and I knew -- and I was on board when they 21 sent out one technician. A couple of 22 times, the -- it would -- the -- it would 23 kick out and the boat would take a hard 24 left. 25 Q. Okay. The hard left port --	16 A. No. 17 Q. -- other than what you 18 described with the autopilot? 19 A. No. We -- the steering 20 was -- we never -- yeah. The 21 steering -- we never had a problem with the 22 steering. 23 Q. Okay. I understand there's a 24 system on the boat, like an electronic 25 record system called Helm CONNECT?

JASON MCGRATH

June 18, 2025

Page 22			Page 24		
1 A. Yes.			1 A. Off the top of my head, I can't		
2 Q. Do you remember that?			2 remember his name, no.		
3 A. Yep.			3 Q. We met a guy whose name is		
4 Q. Did you have any responsibility			4 Leonard Baldassare?		
5 to make entry's in that system?			5 A. Lenny, yep.		
6 A. Just in the engineer's log.			6 Q. Was he the port person that you		
7 Q. All right. So there's like an			7 reported to?		
8 engineer's log part of it?			8 A. I don't remember exactly what		
9 A. Yes.			9 his role was. He may have been port		
10 Q. And what -- where was the -- I			10 captain. I'm not 100 percent.		
11 assume it's a laptop or maybe it was some			11 Q. Okay. But he would've been the		
12 kind of desktop computer, but where was			12 guy as everybody calls him Lenny.		
13 that station located?			13 A. Right. But he was -- I believe		
14 A. I had a tough book in my state			14 there was another guy I went to with		
15 room.			15 engineering issues, but I want to say he		
16 Q. Is that your own personal tough			16 was a port captain.		
17 book --			17 Q. Okay. But -- so there was		
18 A. No.			18 somebody else that you dealt with if there		
19 Q. -- or did it belong to the			19 was like a pure engineering issue?		
20 company?			20 A. I want to say yes, but as I		
21 A. Belonged to the company.			21 said, I'm not 100 percent of his name.		
22 Q. All right. So you could access			22 Q. Got it. Any -- do you have 85		
23 Helm CONNECT from just sitting in your			23 percent of his name, or 50 percent?		
24 room?			24 MR. RODGERS: Don't guess,		
25 A. Yes.			25 but --		
Page 23			Page 25		
1 Q. And any place else that you			1 A. Yeah.		
2 would make those entries or just from that			2 MR. RODGERS: -- if you --		
3 book -- that tough book in your room?			3 A. I mean, I could --		
4 A. Just right there, because			4 MR. RODGERS: If you remember		
5 I've -- I was right next to my red book,			5 any part of his name, you could say		
6 the engineer's log.			6 it, but don't guess.		
7 Q. So you had one of those			7 A. Yeah, I'd be guessing.		
8 journals that is like a paper journal that			8 Q. Okay.		
9 every day and you --			9 A. Yeah.		
10 A. Write down --			10 Q. What were the type of things		
11 Q. -- write things down?			11 you would talk to him about?		
12 A. -- how much fuel we used, how			12 A. If I had any questions about		
13 much oil we used.			13 repairs, if I needed to know certain		
14 Q. Pressures?			14 specifics or whatnot. Anything that I		
15 A. What's that?			15 couldn't look up on -- if we didn't have		
16 Q. Pressures, that sort of thing?			16 the manual on the boat and I needed to know		
17 A. Engine temps.			17 information, I could contact him for it.		
18 Q. Temps.			18 Supplies for the boat because he was just		
19 A. And whatnot.			19 generally the go-to guy for stuff we		
20 Q. Yeah, okay. Was there anybody,			20 need -- needed as well Lenny.		
21 I'll say shore side, that you reported to			21 Q. Did you manage the, I'll call		
22 around any kind of engineering issues?			22 it the fuel, on the vessel?		
23 A. We have a port engineer.			23 A. I took fuel on and discharged		
24 Q. And do you remember who that			24 fuel when needed.		
25 was?			25 Q. Okay. So if fuel needed to be		

June 18, 2025

Page 26	Page 28
1 ordered, did you have any involvement in 2 that, somebody else handled it?  3 A. I would let either the captain 4 or the mate know how much fuel we needed 5 and then they would arrange for us to go 6 and get the fuel.  7 Q. Got it.  8 A. And then I would physically 9 load the fuel.  10 Q. So you mentioned a technician 11 from some company came to do something to 12 the autopilot system up in New York. Was 13 that something that you had called in or 14 notified the company needed to be taken 15 care of?  16 A. This was a preexisting problem 17 when I came onto the boat.  18 Q. So did you deal with anybody 19 about it at the -- I'll say on the shore 20 side of the company?  21 A. It was all taken care of before 22 I even knew about it.  23 Q. And as far as you can recall, 24 there was only one time a technician came 25 out to do something to the autopilot, at	1 A. I think we crew-changed them. 2 But I couldn't be 100 percent accurate 3 about it.  4 Q. All right. I want to focus on 5 the day of the incident first, okay? Like 6 what you remember about it.  7 Were you awake when the 8 allision occurred?  9 A. Yes.  10 Q. All right. What do you 11 remember about getting underway before the 12 allision?  13 A. I remember we were in the 14 creeks, and we were taking the barge that 15 wasn't ours with some stanchions or whatnot 16 on it, and there was a lot of traffic in 17 the creek and we had to turn the bridge. 18 And then once we got underway, I was -- I 19 made my rounds and went to my state room to 20 record information.  21 Q. So the allision happened around 22 4:30 in the afternoon, so Saturday 23 afternoon, would that normally have been 24 like your off time on watches, or would you 25 have been on watch during that period?
Page 27	Page 29
1 least while you were on a two-way hitch?  2 A. While I was on the boat.  3 Q. Yeah.  4 A. There was only one time that a 5 guy came out and we took him for a ride so 6 he could take a look at it.  7 Q. And that was up in New York?  8 A. Yes.  9 THE REPORTER: Just slow down a 10 little bit.  11 THE WITNESS: Oh, I'm sorry. 12 THE REPORTER: That's okay.  13 Q. So I know it's been a year, but 14 I want to ask from your memory, do you 15 remember when you came aboard the 16 vessel -- came a board the Mackenzie Rose 17 to start your two-week hitch right before 18 this allision with the bridge occurred? 19 Like how many days, whether you were 20 already two weeks in? I'm just asking you 21 based on your memory.  22 A. We were headed to Baltimore, so 23 it had to have been -- it was -- I think I 24 came on shortly before that incident.  25 Q. Okay.	1 A. Well, I'm usually -- I run six 2 on and six off, but sometimes I have to 3 vary my hours with the deck work, and 4 basically, if we have to switch our gear, I 5 have to be up for -- so I'll shift my hours 6 so that I don't go over the allotted hours 7 for the Coast Guard.  8 Q. Yeah. Coast Guard wants you to 9 stay under 12?  10 A. Yes.  11 Q. Or not go over 12, right? 12 A. Right.  13 Q. Yeah. So it sounds like you 14 had -- you were up to put the barge into 15 pushing gear?  16 A. I helped -- we were 17 already -- we -- well, we helped -- we -- I 18 put into push gear, I helped with the dock 19 lines, and then -- and that was about all I 20 really did, because when we're tied up, 21 it's really easy for that. But we have to 22 put out a couple of separate lines to the 23 bow, spring lines. And that takes two 24 people and our bow's very high, so it's a 25 real pain.

June 18, 2025

Page 30	Page 32
<p>1 Q. Gotcha. Does the deck of the 2 barge sit below the bow of the 3 barge -- excuse me.</p> <p>4 Does the deck of the barge sit 5 below the bow of the tug when it's made up 6 in push gear?</p> <p>7 A. It depends on the weight.</p> <p>8 Q. Do you recall from this 9 particular arrangement whether it was --</p> <p>10 A. We were -- our bow was above 11 the barge, yes.</p> <p>12 Q. And you said the barge was 13 loaded with some kind of stanchions?</p> <p>14 A. Yes.</p> <p>15 Q. So when the allision occurred, 16 where were you?</p> <p>17 A. I was in my room.</p> <p>18 Q. All right. You remember what 19 you were doing in your room?</p> <p>20 A. I remember I was filling out 21 information into my logs.</p> <p>22 Q. Okay. In the paper log or in 23 the book?</p> <p>24 A. No, in the book.</p> <p>25 Q. In the book. Okay, got it.</p>	<p>1 Q. Yeah, okay.</p> <p>2 A. That's how I call --</p> <p>3 Q. I understand people 4 use -- that's fine.</p> <p>5 A. I always called him Jimmy.</p> <p>6 Q. Just wanted to make sure we 7 know --</p> <p>8 A. Yep.</p> <p>9 Q. -- who you're talking about. 10 And did you go up to the upper 11 wheelhouse --</p> <p>12 A. Yes.</p> <p>13 Q. -- to see him?</p> <p>14 A. Yes.</p> <p>15 Q. Did anybody else go to the 16 upper wheelhouse with you?</p> <p>17 A. Sharif and Ja came up shortly 18 afterwards.</p> <p>19 Q. Okay. So those guys are both 20 deckhands, right?</p> <p>21 A. Yes.</p> <p>22 Q. Sharif Porter?</p> <p>23 A. Yes.</p> <p>24 Q. And you call him Ja?</p> <p>25 A. Jarkeis.</p>
Page 31	Page 33
<p>1 And tell us what, I don't know, got your 2 attention or made you think that you needed 3 to go check on things?</p> <p>4 A. I felt all of a sudden a roll 5 forward and a stop. And whenever there's 6 something that isn't normal, it's get up 7 and figure it out what it is. There were 8 no alarms, nothing went crashing, but I 9 immediately went up to the wheelhouse to 10 see what happened and saw the Railroad 11 Bridge and Jimmy was already maneuvering 12 around it and fixing it.</p> <p>13 And then I went down to the 14 engine room and checked everything down 15 there and checked the stuffing boxes, make 16 sure -- because we have wet boxes that let 17 water in to cool the shafts and make sure 18 that not too much water was going in and 19 whatnot.</p> <p>20 There's certain things that I 21 checked, checked the engines and make sure 22 everything is running as it should.</p> <p>23 Q. You referred to Jimmy. Is that 24 Captain James Morrissey?</p> <p>25 A. Yes, sir. I'm sorry.</p>	<p>1 Q. Jarkeis Morrissey?</p> <p>2 A. Yeah, yep.</p> <p>3 Q. Yeah. Were they both up there 4 when you were up there?</p> <p>5 A. They were -- I believe -- I 6 can't remember who was up there first. I 7 was the second one up there because one of 8 the deckhands was up and then Sharif was 9 in -- it had to have been Ja because Sharif 10 was in the rack, so I think he was the 11 third one up.</p> <p>12 Q. Gotcha. But all --</p> <p>13 A. As far as I can remember.</p> <p>14 Q. Your memory is that the three 15 of you were in there at some point with 16 Captain Morrissey?</p> <p>17 A. Well, we weren't -- we were 18 around the wheelhouse. There's not much 19 room in there.</p> <p>20 Q. It's tight quarters in there?</p> <p>21 A. Very tight. Yeah, it's a small 22 upper wheelhouse.</p> <p>23 Q. Okay. There's a platform 24 around it --</p> <p>25 A. Yes.</p>

June 18, 2025

Page 34	Page 36
<p>1 Q. -- that you can on?</p> <p>2 A. Yes.</p> <p>3 Q. Right? And what did Captain</p> <p>4 Morrissey tell you had happened?</p> <p>5 A. Well, we really -- he</p> <p>6 was -- there was a lot of swearing. I</p> <p>7 can't really remember what he said, but it</p> <p>8 was pretty evident what happened. So once</p> <p>9 I had a gist of what happened, I went down</p> <p>10 to the engine room and did a walkthrough.</p> <p>11 Q. So what -- when you say "it was</p> <p>12 pretty evident what had happened," what did</p> <p>13 you see?</p> <p>14 A. I saw that we were coming to go</p> <p>15 through where the trestle bridge was, but</p> <p>16 we were still very close to it.</p> <p>17 Q. Did you see the bridge? You</p> <p>18 were able to see the bridge?</p> <p>19 A. Once I was up top, yes, I saw</p> <p>20 the bridge.</p> <p>21 Q. Okay. And did it appear that</p> <p>22 there was anything wrong with the bridge?</p> <p>23 A. No, not to what I saw.</p> <p>24 Q. Yeah. So in terms of where you</p> <p>25 were when you first saw the bridge, can you</p>	<p>1 so it's always pretty loud anyway.</p> <p>2 Q. Got it. When you got up to</p> <p>3 when you could first see the bridge, was</p> <p>4 the vessel moving forward, was it backing</p> <p>5 up?</p> <p>6 A. I think we were coming on</p> <p>7 starboard to go around --</p> <p>8 Q. All right.</p> <p>9 A. -- when I finally got up there.</p> <p>10 Q. So the head of the bow -- of</p> <p>11 the barge was, what, swinging</p> <p>12 around starboard?</p> <p>13 A. It was swinging starboard, yes.</p> <p>14 Q. Okay. And did you stay up</p> <p>15 there as the tug and barge went through the</p> <p>16 channel opening of the bridge?</p> <p>17 A. No. I went down to the engine</p> <p>18 room.</p> <p>19 THE REPORTER: You went down?</p> <p>20 THE WITNESS: To the engine</p> <p>21 room.</p> <p>22 Q. So who was doing the swearing?</p> <p>23 A. Captain Morrissey.</p> <p>24 Q. Was anything at all said about</p> <p>25 a problem with the autopilot?</p>
Page 35	Page 37
<p>1 give us, I don't know, your best</p> <p>2 recollection of --</p> <p>3 A. I was headed up the ladder to</p> <p>4 the upper wheelhouse when I saw we were too</p> <p>5 far to the left. And as he was -- I don't</p> <p>6 remember if he was backing up to come</p> <p>7 around or where he was, but we were -- we</p> <p>8 hadn't started to go through yet.</p> <p>9 Q. And you remember Captain</p> <p>10 Morrissey putting the engines in reverse?</p> <p>11 MR. RODGERS: Objection to</p> <p>12 form.</p> <p>13 You can --</p> <p>14 MR. CHAPMAN: Well, he --</p> <p>15 MR. RODGERS: Objection to</p> <p>16 form.</p> <p>17 MR. CHAPMAN: He used the term</p> <p>18 "backing down."</p> <p>19 Q. Okay. Tell us what you mean by</p> <p>20 "backing down."</p> <p>21 A. What I mean is -- I meant</p> <p>22 backing down, it was like we -- like, I</p> <p>23 felt the roll forward. I really didn't</p> <p>24 notice the RPMs go up on the engine, but</p> <p>25 it's -- my room is right above the engines,</p>	<p>1 MR. RODGERS: Objection to</p> <p>2 form.</p> <p>3 You can answer if you know.</p> <p>4 A. It was brought up that it had</p> <p>5 been an issue in the past, and he had made</p> <p>6 a comment again that it kicked over.</p> <p>7 Q. While you were up there on</p> <p>8 the --</p> <p>9 A. It was afterwards.</p> <p>10 Q. And when you say "afterwards,"</p> <p>11 the same day?</p> <p>12 A. If not that day, it was the</p> <p>13 next day.</p> <p>14 Q. Did Captain Morrissey seem</p> <p>15 upset when you were up there in the upper</p> <p>16 wheelhouse with him?</p> <p>17 A. Yes.</p> <p>18 Q. Did he ask you to do anything</p> <p>19 specifically?</p> <p>20 A. No, not so much. He may have</p> <p>21 mentioned -- we did go and check out the</p> <p>22 front of the barge underway to look for any</p> <p>23 damage. We -- I don't remember if he asked</p> <p>24 to do it or if we took it upon ourselves.</p> <p>25 Q. Do you know whether the front</p>

JASON MCGRATH

June 18, 2025

Page 38	Page 40
<p>1 of the barge contacted the bridge?</p> <p>2 A. No. I've not -- I wasn't</p> <p>3 outside when it hit it at all. I didn't</p> <p>4 see what actually happened.</p> <p>5 Q. All you know is what you felt</p> <p>6 while you were in your state --</p> <p>7 A. Yeah.</p> <p>8 Q. -- room?</p> <p>9 A. While I was sitting in my</p> <p>10 chair, we rolled forward and then we</p> <p>11 scrambled -- or I scrambled.</p> <p>12 Q. So when you went down to the</p> <p>13 engine space, you wanted to make sure that</p> <p>14 you weren't taking on water or it had</p> <p>15 affected the seals around this water</p> <p>16 cooling system, correct?</p> <p>17 A. The stuffing boxes.</p> <p>18 Just -- well, just -- well, because we were</p> <p>19 in the creeks, it's -- if you don't -- if</p> <p>20 you're too far to one side or that it gets</p> <p>21 really shallow really quick, and if you</p> <p>22 drag a prop.</p> <p>23 Q. It could affect the stuffing</p> <p>24 box?</p> <p>25 A. It can, yes.</p>	<p>1 gear, right?</p> <p>2 A. Yes.</p> <p>3 Q. All right. So was this while</p> <p>4 you were still in the vicinity of the</p> <p>5 bridge or was this kind of --</p> <p>6 A. It was shortly past it.</p> <p>7 Q. Okay. In the aftermath of this</p> <p>8 allision, did the tug and barge kind of</p> <p>9 hang around near the bridge before heading</p> <p>10 out?</p> <p>11 MR. RODGERS: Objection to</p> <p>12 form.</p> <p>13 You can answer if you</p> <p>14 understand the question.</p> <p>15 A. I don't know. I mean, we had</p> <p>16 to run slow leaving out of there. I don't</p> <p>17 know if we ran slower or faster because of</p> <p>18 it. I know the -- I know Chris was on the</p> <p>19 phone with whoever he needed to notify. I</p> <p>20 don't know if that interfered with how fast</p> <p>21 we moved or not.</p> <p>22 I don't -- the wheelhouse</p> <p>23 is -- they're on their own. All I do is go</p> <p>24 up there to fix things if something goes</p> <p>25 wrong.</p>
Page 39	Page 41
<p>1 Q. And did you detect anything</p> <p>2 that was wrong with them?</p> <p>3 A. No. The engine within -- there</p> <p>4 was nothing wrong with the engine room.</p> <p>5 Q. The stuffing boxes</p> <p>6 were -- sometimes they weep a little bit,</p> <p>7 but that's normal, right?</p> <p>8 A. There's a controlled flow --</p> <p>9 Q. Yeah.</p> <p>10 A. -- that you adjust by loosening</p> <p>11 and tightening it.</p> <p>12 Q. But there was nothing for you</p> <p>13 to do, is that what you are saying?</p> <p>14 A. No. Yeah, there was nothing.</p> <p>15 And once I did a walkthrough is when Sharif</p> <p>16 and I crossed over to the bars to go and</p> <p>17 inspect the bow for anything.</p> <p>18 Q. So you and the deckhand,</p> <p>19 Sharif, went on the barge?</p> <p>20 A. Yes, we crossed over.</p> <p>21 Q. Where was the tug and barge</p> <p>22 located when you did that?</p> <p>23 A. Well, we were underway.</p> <p>24 Q. Yeah. When you say "underway,"</p> <p>25 were you -- you still had it in pushing</p>	<p>1 Q. How do you know Chris was on</p> <p>2 the phone with somebody?</p> <p>3 A. Well, he -- because when</p> <p>4 he -- when I was headed down, he had the</p> <p>5 phone in his hand.</p> <p>6 Q. Okay. I'm just -- he had a</p> <p>7 phone in his hand. Do you know if he was</p> <p>8 actually talking to somebody or --</p> <p>9 A. He -- well, I'm sorry. He had</p> <p>10 a phone in his hand to his ear and he was</p> <p>11 calling it in.</p> <p>12 Q. And did you have any sense of</p> <p>13 who he was talking to, or?</p> <p>14 A. No idea, but, you know,</p> <p>15 just -- by just putting two and two</p> <p>16 together that he was calling it in.</p> <p>17 Q. You --</p> <p>18 A. I don't know who he was calling</p> <p>19 or not, but I assume the Coast Guard or</p> <p>20 Carver. But like I said, I don't know for</p> <p>21 sure.</p> <p>22 Q. Got it. Is there anything that</p> <p>23 would indicate the rudder angle in the</p> <p>24 engine room?</p> <p>25 A. Not that I can recall.</p>

June 18, 2025

Page 42	Page 44
<p>1 Q. Do you know whether there's a 2 rudder angle indicator on either of the 3 bridges?</p> <p>4 A. In the lower wheelhouse, we 5 have one, yes, I believe.</p> <p>6 Q. All right. Do you know if 7 there's one in the upper wheelhouse?</p> <p>8 A. I couldn't tell you off the top 9 of my head. I -- the only time I go up 10 there is if they need something looked at.</p> <p>11 Q. Do you remember writing up a 12 statement about what you remembered --</p> <p>13 A. Yes.</p> <p>14 Q. -- or what happened?</p> <p>15 A. Yes. We were at -- we were 16 asked -- yeah, we all gathered in the 17 galley to write up a quick statement to 18 send in.</p> <p>19 Q. And was that the same day?</p> <p>20 A. I believe so.</p> <p>21 Q. All right. Who asked you to 22 write the statement up?</p> <p>23 A. Cap. Chris.</p> <p>24 Q. All right. And that's Chris 25 Miller?</p>	<p>1 writing up a statement with you all at that 2 time?</p> <p>3 A. No. It was just me and 4 the -- it was just the deckhands and I.</p> <p>5 Q. Okay. And Captain Miller was 6 there or not?</p> <p>7 A. No, not that I remember.</p> <p>8 Q. I take it that after you wrote 9 it up, you gave it to -- you gave your 10 statement to Captain Miller?</p> <p>11 A. Yes, we all handed it off.</p> <p>12 Q. All right. Did you ever type 13 up a statement?</p> <p>14 A. No, handwritten.</p> <p>15 Q. Strictly handwritten?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay. I'm going to pass you 18 what was previously marked as Exhibit 13 in 19 Mr. Moore's deposition.</p> <p>20 And I just want to ask you the 21 first page of that exhibit, is that a copy 22 of the statement that you wrote up?</p> <p>23 A. That's what I wrote up, yep.</p> <p>24 Q. All right. Underneath it, it 25 appears to be a typed version of that</p>
Page 43	Page 45
<p>1 A. Yes.</p> <p>2 Q. And he was the master of the 3 vessel?</p> <p>4 A. They rotated between captain 5 and mate, so it was -- I don't know who was 6 doing what at which time but they were both 7 captains. They would just switch off. So 8 it was just kind of, they were both -- I 9 didn't pay much a technician to it. Just 10 whoever was -- told me to do something, I 11 did it.</p> <p>12 Q. But your recollection is that 13 Captain Miller asked you to write up a 14 statement?</p> <p>15 A. Yes, from what I remember.</p> <p>16 Q. All right. And did everybody 17 sit down in the galley at the same time and 18 do it, or did --</p> <p>19 A. Yeah. We were all in the 20 galley from what I remember.</p> <p>21 Q. Okay. And were you all talking 22 about it as you wrote up your statements or 23 not?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Was Captain Morrissey</p>	<p>1 statement, but you've just told us that you 2 didn't type a statement up, right?</p> <p>3 A. Correct.</p> <p>4 Q. We'll wait until the crowd goes 5 by.</p> <p>6 MR. RODGERS: I think it's 7 done.</p> <p>8 Q. And I just want to ask you if 9 you have any knowledge or understanding 10 about how the typed version of your 11 statement came into existence, if you know?</p> <p>12 MR. RODGERS: The second page?</p> <p>13 MR. CHAPMAN: Yeah, the second 14 page.</p> <p>15 MR. RODGERS: You know, I 16 forgot to ask you if you could do the 17 Bates stamp for Rachel and, I guess, 18 Mark.</p> <p>19 MR. CHAPMAN: Rachel, do you 20 need the Bates Number?</p> <p>21 MS. RACHEL: Jim. Jim, as long 22 as it as prior marked exhibits of --</p> <p>23 MR. RODGERS: Okay.</p> <p>24 MR. CHAPMAN: Yeah.</p> <p>25 MS. RACHEL: We're good. But</p>

June 18, 2025

Page 46	Page 48
<p>1 if it's a new exhibit, the Bates 2 Number would be --</p> <p>3 MR. CHAPMAN: Sure.</p> <p>4 MR. RODGERS: Thanks.</p> <p>5 MR. CHAPMAN: Sure. Okay.</p> <p>6 MR. RODGERS: But also because 7 there's another typed one, if you 8 could put the Bates stamp on the 9 record of the second page because 10 it --</p> <p>11 MR. CHAPMAN: Of that one?</p> <p>12 MR. RODGERS: There's another 13 typed one, so --</p> <p>14 MR. CHAPMAN: Oh, you're right. 15 You're right.</p> <p>16 MR. RODGERS: But the record 17 shows --</p> <p>18 MR. CHAPMAN: I apologize. 19 There are three exhibits here, yeah.</p> <p>20 MR. RODGERS: There are three 21 pages of the exhibit.</p> <p>22 MR. CHAPMAN: Three pages in 23 the exhibit.</p> <p>24 Q. So the second page looks like a 25 typed version of your handwritten</p>	<p>1 up the upper wheelhouse. I looked over the 2 ladder when I was heading up. Jimmy really 3 didn't say much except for swearing and 4 nothing about fendering. And we did 5 not -- and I didn't know anything about any 6 noticeable -- no noticeable damage till we 7 crossed over to look at the front of the 8 barge.</p> <p>9 Q. Okay.</p> <p>10 A. And I -- we -- I didn't even 11 see missing paint.</p> <p>12 Q. All right. But you don't 13 remember either signing that, or?</p> <p>14 A. I don't even remember seeing 15 this, to tell you the truth.</p> <p>16 Q. And it sounds like based on 17 what you just described that it's not 18 accurate in terms of your own memory?</p> <p>19 A. No, sir.</p> <p>20 Q. All right. So I just want to 21 be clear a couple of things that you 22 mentioned. So you testified that you felt 23 the boat come to a, I'll call it an abrupt 24 stop, and it caused you to sort of pitch 25 forward in your chair or something, right?</p>
Page 47	Page 49
<p>1 statement, right?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And then if you turn to 4 the third page of that exhibit, is that 5 your signature on it?</p> <p>6 A. It looks like it.</p> <p>7 Q. All right. Now, you told us 8 you didn't type anything up?</p> <p>9 A. I did not.</p> <p>10 Q. Did -- do you know who would 11 have typed that up before you signed it?</p> <p>12 A. I could not have told you. And 13 I don't remember signing this.</p> <p>14 Q. Okay. And based on what it 15 says, are those your words?</p> <p>16 A. No. I went to the upper 17 wheelhouse first.</p> <p>18 Q. All right. Anything else that 19 doesn't seem like --</p> <p>20 A. I -- slowed down in shimmy is 21 incorrect.</p> <p>22 THE REPORTER: Slow down the?</p> <p>23 THE WITNESS: Sorry. Slow down 24 in shimmy.</p> <p>25 A. I went up -- I immediately ran</p>	<p>1 A. Yes.</p> <p>2 Q. It -- you did not feel the boat 3 slow down and shimmy? That's not your 4 words?</p> <p>5 A. We were at a real slow pace 6 because I -- there -- like I said, there 7 was a lot of traffic, a lot of small 8 pleasure crafts, yeah. So we were moving 9 real slow to begin with. And then all of a 10 sudden, there was a -- you know, I moved 11 forward a little bit.</p> <p>12 Q. And then it says in this Page 3 13 of this Exhibit 13, "I saw we had landed on 14 the bridge fendering."</p> <p>15 Did you ever see the tug or 16 barge --</p> <p>17 A. We were -- when I got up there, 18 I did not see the tug -- the barge on that 19 bridge at all. We were -- there was 20 distance in between.</p> <p>21 Q. So that's not your memory, 22 touching the fender?</p> <p>23 A. That's not my memory, no.</p> <p>24 Q. Okay.</p> <p>25 THE REPORTER: Just give him a</p>

June 18, 2025

	Page 50	Page 52
1	second.	1 Q. Okay. Do you know if the
2	THE WITNESS: Sorry. I'm	2 autopilot was being used by Captain
3	sorry.	3 Morrissey when he was operating the tug and
4	THE REPORTER: It's okay.	4 barge?
5	Q. And overall, you went to the	5 A. I wouldn't have any knowledge
6	wheelhouse first --	6 or -- of what control he was using.
7	A. Yes.	7 MR. RODGERS: Do you need
8	Q. -- before going down to the	8 water?
9	engine space?	9 THE WITNESS: I'm all right.
10	A. Yes.	10 Thank you.
11	Q. And did the mate, who is	11 MR. CHAPMAN: Can you mark that
12	Captain Morrissey, ever say to you that he	12 as Exhibit 1 of his deposition?
13	had touched up on the bridge fendering?	13 MR. RODGERS: Thanks. This is
14	A. Not that I remember, no.	14 McGrath 1?
15	Q. You told us that you and the	15 MR. CHAPMAN: Yep.
16	deckhand, Sharif Porter, went up to look at	16 (Whereupon, McGrath Exhibit 1
17	the head of the barge.	17 was marked for identification.)
18	A. Yes.	18 Q. Mr. McGrath, you've been handed
19	Q. Right? So were any pictures	19 what's been marked as Exhibit 1 for your
20	taken of the head of the barge when you	20 deposition, which is a document that was
21	went up there?	21 provided to us by Carver from their Helm
22	A. Not then, no.	22 CONNECT system.
23	Q. Okay. Do you know if there	23 It's a print out of the daily
24	were ever any pictures taken?	24 log that was completed on May 20th of 2024.
25	A. I know before I was dropped off	25 And I believe it covers two days, May 20th
	Page 51	Page 53
1	to catch my train home we went around the	1 and May 21st.
2	barge and pictures were taken by Jarkeis	2 And if you look on the second
3	with a small digital camera. And then they	3 page of the exhibit, the production numbers
4	went and they put me on the dock when we	4 of Carver TBS Helm CONNECT 000503 through
5	did the crew change.	5 505 -- excuse me, 506. And I'm asking to
6	Q. And that would have been what,	6 look at the one that's marked 504 at the
7	10 days or a couple of weeks later?	7 bottom?
8	A. It was -- yeah. It was the end	8 Do you see that?
9	of the hitch.	9 A. This one right here, sir?
10	Q. Okay.	10 Q. Yes. Second page, yeah.
11	A. The exact day difference, I	11 A. Mm-hmm.
12	couldn't tell you.	12 Q. And it appears that you were on
13	Q. Gotcha. It wasn't the day of	13 board the vessel at the time of this -- on
14	the allision?	14 that date, May 20th, 2024.
15	A. No.	15 Do you see that?
16	Q. All right. Were any pictures	16 A. Okay.
17	taken that you know of of the bridge?	17 Q. You are listed. I don't know
18	A. Not that I know of, no.	18 if you have any memory of being there, but
19	Q. What about the tug at the time	19 it appears that the vessel is underway from
20	of the allision, or shortly thereafter?	20 somewhere near Brooklyn, eventually
21	A. Not that I know of.	21 entering the Atlantic southbound.
22	Q. Do you know of any other	22 I can't tell where it's going,
23	pictures being taken that somehow relate to	23 but if you look at the very last entry in
24	the allision?	24 the log on May 20th, the time entry is
25	A. No, sir.	25 23:08, describes an incident, I'll just

June 18, 2025

Page 54	Page 56
<p>1 read it, southbound Atlantic.</p> <p>2 It says, "SB in the Atlantic,</p> <p>3 steering went hard over with alarm, went to</p> <p>4 clutch ahead, got back into donut and in</p> <p>5 front of barge."</p> <p>6 Do you have any memory of that?</p> <p>7 A. Off the top of my head, no. I</p> <p>8 do remember that it had happened a couple</p> <p>9 of times in the past, and that's why we had</p> <p>10 the technician on board.</p> <p>11 Q. Okay. So this incident in May</p> <p>12 of 2024, three or four weeks before the</p> <p>13 allision, and -- you think there was a</p> <p>14 technician that came out?</p> <p>15 A. Well, I know of one that came</p> <p>16 on when I was on the boat.</p> <p>17 Q. Okay. But that was up in New</p> <p>18 York Harbor, right?</p> <p>19 MR. RODGERS: Objection.</p> <p>20 There's documents that have more than</p> <p>21 one technician, so you're asking</p> <p>22 about what he remembers?</p> <p>23 MR. CHAPMAN: Yeah, exactly.</p> <p>24 MR. RODGERS: Okay. Okay.</p> <p>25 Q. Yeah.</p>	<p>1 anything to you? You ever heard of</p> <p>2 somebody named Kands?</p> <p>3 A. No.</p> <p>4 THE REPORTER: K-A-N-S, right?</p> <p>5 MR. CHAPMAN: K-A-N-D-S, yeah.</p> <p>6 Q. Before this allision occurred,</p> <p>7 you remember having come aboard the vessel</p> <p>8 to start your two-week hitch.</p> <p>9 Do you remember where you</p> <p>10 boarded the vessel?</p> <p>11 A. Not particularly, no. I mean,</p> <p>12 I -- if I had to guess, I'd say Baltimore,</p> <p>13 but --</p> <p>14 Q. What makes you think that?</p> <p>15 A. Just because that was usually a</p> <p>16 good crew-change spot. We brought a taxi</p> <p>17 out on the -- or it'd be the Chesapeake,</p> <p>18 unless it was New York Harbor.</p> <p>19 Q. Got it.</p> <p>20 A. I mean, there was only a few</p> <p>21 spots where we would do crew change along</p> <p>22 the way.</p> <p>23 Q. You --</p> <p>24 MR. RODGERS: Well, just don't</p> <p>25 guess. If you remember --</p>
Page 55	Page 57
<p>1 A. Yeah. From what I remember, I</p> <p>2 remember we brought one guy on board and he</p> <p>3 was there for the autopilot.</p> <p>4 Q. Okay. But that was up in New</p> <p>5 York?</p> <p>6 A. Yes.</p> <p>7 Q. Not while you were southbound</p> <p>8 in the Atlantic?</p> <p>9 A. Right.</p> <p>10 Q. Right. Okay. Do you ever</p> <p>11 remember a technician from a company called</p> <p>12 Aries Marine Electronics coming aboard the</p> <p>13 boat to do anything with the autopilot?</p> <p>14 A. Honestly, I don't even remember</p> <p>15 the guy who came on when I was there.</p> <p>16 Q. Okay. You don't know what</p> <p>17 company he was with?</p> <p>18 A. I don't even remember his name.</p> <p>19 Q. Okay. Did -- were you involved</p> <p>20 in anyway in working with him whatever the</p> <p>21 issue was with the autopilot?</p> <p>22 A. I stood by in case he needed</p> <p>23 anything from me, but it was his own</p> <p>24 program.</p> <p>25 Q. Does the last name Kands mean</p>	<p>1 THE WITNESS: Oh, I'm sorry.</p> <p>2 No, I don't --</p> <p>3 MR. RODGERS: If you don't</p> <p>4 remember --</p> <p>5 A. I don't remember 100 percent,</p> <p>6 no.</p> <p>7 Q. Yeah. You told us that you</p> <p>8 were -- that you live up in New Hampshire?</p> <p>9 A. Yes.</p> <p>10 Q. Were you living up in New</p> <p>11 Hampshire back then?</p> <p>12 A. Yes.</p> <p>13 Q. All right.</p> <p>14 A. I -- well, I bought my house</p> <p>15 during -- while I was employed -- wait.</p> <p>16 No. I bought my house before I went to</p> <p>17 them. But yes, I was living in New</p> <p>18 Hampshire, yes.</p> <p>19 Q. Okay. And did the company pay</p> <p>20 for your transportation to get to Baltimore</p> <p>21 to get on the boat?</p> <p>22 A. They did at first, and then</p> <p>23 they changed policy.</p> <p>24 Q. All right. I'm going</p> <p>25 to -- give me that. I'm going to give you</p>

June 18, 2025

Page 58	Page 60
<p>1 what was marked as Exhibit 6 in Mr. Moore's      2 deposition, which is the -- a daily log of      3 the Mackenzie Rose covering the period of      4 June 12th through June 16th of 2024.</p> <p>5 MR. RODGERS: What exhibit?</p> <p>6 MR. CHAPMAN: 6.</p> <p>7 THE REPORTER: On Mr. Moore's      8 deposition.</p> <p>9 Q. And on the very first page of      10 the exhibit, it talks about a crew change      11 in Baltimore?</p> <p>12 A. Yep.</p> <p>13 Q. And it looks like you came      14 aboard the vessel at noon in Baltimore on      15 June 12th, right?</p> <p>16 A. Yep.</p> <p>17 Q. And it mentions on here a      18 couple of times -- a couple entries that      19 the vessel was standing by for repairs in      20 Baltimore, I guess at a ship repair      21 facility.</p> <p>22 Do you know what needed to be      23 repaired on the vessel?</p> <p>24 MR. RODGERS: Other than what      25 he's reviewed with me?</p>	<p>1 If you turn over to the      2 one -- the page that starts with the June      3 14th entry. It's Carver 000054 at the      4 bottom. Sort of in about the middle of      5 that page, there's an entry at 7:55 a.m.</p> <p>6 A. Oh, yeah. That was before      7 we -- yep. That was -- that's what I was      8 talking about, we ended up getting that      9 fixed in New York.</p> <p>10 Q. Okay. So is Jason a reference      11 to you?</p> <p>12 A. Yes, sir.</p> <p>13 Q. That's what I figured. It      14 says, "The shipyard project spoke with      15 Jason, the shipyard project manager, about      16 welding the pin keepers."</p> <p>17 Do you know what pin keepers      18 needed welding?</p> <p>19 A. Yeah. For the rub rail which      20 held our fendering on. We sat there      21 waiting to get welding work done, and they      22 never did it. So we got a bunch of ratchet      23 straps to hold it still till we got home.      24 And then we had it fixed -- yeah. We had      25 it fixed up in -- I can't remember the name</p>
Page 59	Page 61
<p>1 A. MR. CHAPMAN: Well, I don't      2 know what he reviewed with you and I'm not      3 really trying to explore it, I'm just      4 trying to remember --</p> <p>5 MR. RODGERS: You could put it      6 in the question.</p> <p>7 Q. I'm trying to ask him if he      8 recalls what was being repaired on the      9 vessel in Baltimore?</p> <p>10 A. No, I'm not 100 percent. I      11 couldn't tell you exactly off the top of my      12 head.</p> <p>13 Q. The next page of the exhibit,      14 which is June 13th of 2024 says in the very      15 first entry, "Tug needs some issues      16 resolved."</p> <p>17 Does that ring any bells or      18 what needed to be done?</p> <p>19 A. No. The last real big thing or      20 the issues resolved was we had some metal      21 break off or some fendering that we had to      22 get rewelded on the side of the boat.</p> <p>23 Q. Okay. And it appears that the      24 vessel was there in Baltimore throughout      25 the day.</p>	<p>1 of the boat yard, but it's over near New      2 Jersey. But it was just fendering on the      3 forward starboard side?</p> <p>4 Q. The fendering is like those --</p> <p>5 A. Like rubber.</p> <p>6 Q. -- rubber --</p> <p>7 A. Yep.</p> <p>8 Q. -- that kind of protects the      9 hull?</p> <p>10 A. No. It just keeps us from      11 scrapping up anything if we go to push      12 against it.</p> <p>13 Q. Got it. Let me pass you what's      14 been marked as Exhibit 20 to the deposition      15 of a guy -- of Nicholas Laraway yesterday.      16 It's a invoice from a company called      17 General Ship Repair in Baltimore dated June      18 14th, 2024. And it says that there's two      19 things that were done.</p> <p>20 You described for us the need      21 to secure the starboard side fender for      22 transit. But you'll see under Item A there      23 on the middle of the page, it says,      24 "Preparing weld to keep a plate onto the      25 port rudder post?"</p>

June 18, 2025

	Page 62	Page 64
1	A. Yep.	
2	Q. What is that about?	
3	A. I wasn't there for that one.	
4	It could have happened before a crew	
5	change. But all this is just a little	
6	piece of metal that goes on the deck.	
7	Q. And what does it do as far as	
8	the rudder post is concerned?	
9	A. I couldn't answer you 100	
10	percent to what --	
11	MR. RODGERS: Don't guess.	
12	THE WITNESS: Okay, I couldn't	
13	guess.	
14	MR. RODGERS: You can tell him	
15	what you know, though.	
16	A. What I know of what this is, is	
17	all this is like a bump stop, is what I	
18	believe it is. But like I said, I'd be	
19	guessing it's -- from what I'm reading,	
20	that's what I gather from it, but I wasn't	
21	there for the repair.	
22	Q. Let me just ask you. Is that	
23	the type of thing that like you would talk	
24	to somebody at the company that something	
25	needs to be repaired?	
	Page 63	Page 65
1	A. Yes. But that would've been	
2	O'Rourke -- Alex O'Rourke, the other	
3	engineer.	
4	Q. Okay.	
5	A. That would probably	
6	been -- that would've been him who did it.	
7	Q. Okay.	
8	A. Because I never asked for that	
9	kind of repair.	
10	Q. All right. Alex O'Rourke, was	
11	he the --	
12	A. He was the other engineer. His	
13	name came back to me.	
14	Q. Okay.	
15	A. Yep.	
16	Q. And well, thank you for that.	
17	A. Yep.	
18	Q. Do you know if he still works	
19	for Carver?	
20	A. I don't know.	
21	Q. Was he -- he was still working	
22	there when you quit, or when you stopped	
23	working there, I'll say?	
24	A. Yeah. He was the other	
25	engineer -- opposite engineer.	

June 18, 2025

Page 66	Page 68
<p>1           form.</p> <p>2           You can answer if you</p> <p>3           understand the scope of the question.</p> <p>4       <b>A. I mean, you do get training on</b></p> <p>5       <b>it, and you get occasional drills like what</b></p> <p>6       <b>would happen if such and such happened,</b></p> <p>7       <b>this and that, that are regularly that you</b></p> <p>8       <b>have to have per Coast Guard, but to sit</b></p> <p>9       <b>down and read the manual, no.</b></p> <p>10      Q.    Like a man overboard drill?</p> <p>11      A.    Oh yeah. Yeah, we do all of</p> <p>12       that.</p> <p>13      Q.    All right. A fire drill?</p> <p>14      A.    <b>Fire drill, fuel -- if fuel</b></p> <p>15      <b>goes into the -- fuel or oil goes into the</b></p> <p>16      <b>water, what you would do, stuff like that.</b></p> <p>17      Q.    Who provides that training or</p> <p>18      runs those drills?</p> <p>19      A.    It would be the captain, or the</p> <p>20     port engineer, or the port -- sorry, the</p> <p>21     port captain or our captain.</p> <p>22      Q.    And is there something that you</p> <p>23      would have to sign that you received the</p> <p>24      training, or went through the training?</p> <p>25      A.    <b>Yes.</b></p>	<p>1       <b>A. That's -- no, that's not</b></p> <p>2       <b>something I'm trained on. That'd be mates</b></p> <p>3       <b>or anybody working to work in the bridge.</b></p> <p>4       Q.    And do you know whether they</p> <p>5       were trained on bridge transits?</p> <p>6       A.    <b>I couldn't answer to them.</b></p> <p>7           MR. RODGERS: Objection -- hold</p> <p>8           on. Objection.</p> <p>9           You can answer if you know.</p> <p>10      A.    <b>I couldn't answer to them.</b></p> <p>11      Q.    Is there any specific training</p> <p>12       that you recall that, you know, was, I'll</p> <p>13       say related to your engineering</p> <p>14       responsibilities that you had to</p> <p>15       participate in or go through?</p> <p>16      A.    <b>Yes.</b></p> <p>17      Q.    Can you tell us what</p> <p>18       the -- what type of training that was?</p> <p>19      A.    There's certification schools</p> <p>20       where you go and you work up your license.</p> <p>21       I had worked up to my designated duty</p> <p>22       engineer, unlimited tonnage and I'd done</p> <p>23       tech schools, diesel schools, marine system</p> <p>24       schools, and then just working with the</p> <p>25       knowledge of tech engineering.</p>
Page 67	Page 69
<p>1      Q.    Each time it happens?</p> <p>2      A.    <b>Well, I don't know. I can't</b></p> <p>3      <b>remember if it's each time.</b></p> <p>4      Q.    And when they would do this</p> <p>5      training that you just described, would</p> <p>6      everybody have to do it at the same time?</p> <p>7      A.    <b>Yes.</b></p> <p>8      Q.    Like everybody's up and, you</p> <p>9      know?</p> <p>10     A.    <b>We would set the alarm offs</b></p> <p>11     <b>fire out the fire hoses, the whole shabang.</b></p> <p>12     Q.    Do you remember any training on</p> <p>13     how to make a bridge transit?</p> <p>14       MR. RODGERS: Objection to</p> <p>15       form. You can answer if you</p> <p>16       understand it.</p> <p>17       I just want to ask you're</p> <p>18       asking him as an engineer or is in</p> <p>19       his rating?</p> <p>20       MR. CHAPMAN: This is not a</p> <p>21       complicated question, Mr. Rodgers.</p> <p>22       MR. RODGERS: Well, it is.</p> <p>23       MR. CHAPMAN: I'm just asking</p> <p>24       him if he remembers any training on</p> <p>25       doing bridge transits.</p>	<p>1      Q.    So I'm interested in -- you</p> <p>2      described drills or training that happened</p> <p>3      on the boat with everybody. Was there any</p> <p>4      training that happened on the boat related</p> <p>5      to your engineering duties that you can</p> <p>6      recall?</p> <p>7      A.    <b>I don't understand the</b></p> <p>8      <b>question.</b></p> <p>9      Q.    Well, you described for us some</p> <p>10     schools you'd been to.</p> <p>11     A.    <b>Yes.</b></p> <p>12     Q.    Certifications that you got,</p> <p>13     that sort of thing. That's basically</p> <p>14     shore-side stuff, right?</p> <p>15     A.    <b>No. That's marine systems,</b></p> <p>16     <b>operations underway, stuff like that.</b></p> <p>17     That's stuff pertaining to just me as the</p> <p>18     engineer or anybody.</p> <p>19     Q.    Well, we may be talking about</p> <p>20     the same thing, then. I'm just trying to</p> <p>21     understand did that training occur on the</p> <p>22     vessel as part of the SMS training system?</p> <p>23     A.    <b>No, no training like that did.</b></p> <p>24     All that training was done in schools, in a</p> <p>25     classroom, in a controlled environment.</p>

JASON MCGRATH

June 18, 2025

			Page 70	Page 72
1	Q.	Okay.		
2	A.	<b>It was to prepare me to be on</b>		
3		<b>the boat.</b>		
4	Q.	Do you recall whether there was		
5		a meeting of the crew regarding the bridge		
6		transits on the stretch of river that you		
7		were going to be passing through before		
8		heading out to sea with the barge on June		
9		15th, 2024?		
10	A.	<b>Nothing that would've been</b>		
11		<b>relayed to me.</b>		
12	Q.	Did you ever have a Carver		
13		Company's e-mail address when you worked		
14		for them?		
15		MR. RODGERS: Personally?		
16	A.	<b>You mean for them to send me</b>		
17		<b>e-mails?</b>		
18	Q.	No, like a company e-mail		
19		address.		
20	A.	<b>Like I could contact them?</b>		
21	Q.	Or they could contact you		
22		through -- like it would say, you know,		
23		jmcgrath@carvercompanies.com?		
24	A.	<b>Not that I'm aware of. I</b>		
25		<b>didn't have one. I had the HR guys', I</b>		
			Page 71	Page 73
1		<b>I believe, but I didn't have my own Carver</b>		
2		<b>e-mail. Not that I know of.</b>		
3	Q.	You knew how to get in touch		
4		with them by e-mail?		
5	A.	<b>I could reply to their e-mails</b>		
6		<b>to my personal e-mail.</b>		
7	Q.	Okay.		
8	A.	<b>Or I could call them.</b>		
9	Q.	What personal e-mail did you		
10		use at the time you were working for		
11		Carver? Like a Gmail account?		
12	A.	<b>Yes.</b>		
13	Q.	All right.		
14	A.	<b>My own.</b>		
15	Q.	Which -- you still have it?		
16	A.	<b>Yes.</b>		
17	Q.	What's your handle -- what's		
18		your e-mail address on Gmail?		
19	A.	<b>jaybonz88@gmail.com.</b>		
20	Q.	Okay.		
21		MR. CHAPMAN: Why don't we take		
22		a break? And I think I'm pretty close to		
23		being done. Okay.		
24		MR. RODGERS: I didn't hear		
25		you.		

June 18, 2025

Page 74	Page 76
<p>1                   MR. RODGERS: I can't hear you.</p> <p>2                   THE VIDEOGRAPHER: Okay. We</p> <p>3                   are going off the record. The time</p> <p>4                   is 12:10 p.m.</p> <p>5                   THE VIDEOGRAPHER: Beginning</p> <p>6                   Media Number 3. We are back on the</p> <p>7                   record. The time is 12:21 p.m.</p> <p>8                   EXAMINATION BY</p> <p>9                   MR. RODGERS:</p> <p>10                  Q. Okay. Real quick, just maybe</p> <p>11                  three questions. So Mr. McGrath, when you</p> <p>12                  were talking about manning of the tug, is</p> <p>13                  it fair to say that was your opinion?</p> <p>14                  <b>A. Yes.</b></p> <p>15                  Q. If you could look at Exhibit 5</p> <p>16                  from the Moore deposition, but -- it's a</p> <p>17                  list of crew members.</p> <p>18                  Can you just take a look? Were</p> <p>19                  those the crew members on board including</p> <p>20                  yourself?</p> <p>21                  <b>A. That is correct.</b></p> <p>22                  Q. Okay, and how many are there?</p> <p>23                  MR. CHAPMAN: Just to be clear,</p> <p>24                  you mean on the day of the allision?</p> <p>25                  I don't know. It has a date on</p>	<p>1                   following license and unlicensed</p> <p>2                   personnel."</p> <p>3                   Do you see that?</p> <p>4                  <b>A. Yes.</b></p> <p>5                  Q. And if you count how many</p> <p>6                  personnel that is named in that section?</p> <p>7                  <b>A. Five.</b></p> <p>8                  Q. Five?</p> <p>9                  <b>A. Yes, sir.</b></p> <p>10                 Q. Okay. And there were five on</p> <p>11                 board at the time of the allision?</p> <p>12                 <b>A. Correct.</b></p> <p>13                 Q. Okay. Real quickly. If you go</p> <p>14                 to Exhibit 1 of today's deposition, the</p> <p>15                 Helm CONNECT daily log for 5/20/24. You</p> <p>16                 were shown that by Mr. Chapman. I want you</p> <p>17                 to go back to the section he has showed</p> <p>18                 you, and it says, "At 23:08, incident SB</p> <p>19                 Atlantic -- " is that southbound?</p> <p>20                 <b>A. Yes, sir.</b></p> <p>21                 Q. "SB in the Atlantic, steering</p> <p>22                 went hard over with alarm. Went to clutch</p> <p>23                 ahead, got back into donut in front of the</p> <p>24                 barge."</p> <p>25                 Do you see that?</p>
Page 75	Page 77
<p>1                   there.</p> <p>2                   MR. RODGERS: You sound like</p> <p>3                   me. Tug Mackenzie Rose crew matrix</p> <p>4                   on June 15th, 2024.</p> <p>5                   Thank you, Jim.</p> <p>6                  Q. Were those the people, to your</p> <p>7                  knowledge, who were on board at the time of</p> <p>8                  the allision?</p> <p>9                  <b>A. To my knowledge, yes.</b></p> <p>10                 Q. Okay. And there is five there,</p> <p>11                 right?</p> <p>12                 <b>A. Yes.</b></p> <p>13                 Q. Have you ever seen a</p> <p>14                 certificate of inspection generally?</p> <p>15                 <b>A. There's always one hanging in</b></p> <p>16                 <b>the galley.</b></p> <p>17                 Q. And when you look at Exhibit 38</p> <p>18                 of the Moore Exhibit, does that appear to</p> <p>19                 be a certificate of inspection?</p> <p>20                 <b>A. Yes, it does.</b></p> <p>21                 Q. Does it appear to be for the</p> <p>22                 Mackenzie Rose?</p> <p>23                 <b>A. Yes, sir.</b></p> <p>24                 Q. And if you go to the section,</p> <p>25                 "This vessel must be manned with the</p>	<p>1                  <b>A. Yes.</b></p> <p>2                  Q. And is it fair to say that this</p> <p>3                  entry doesn't mention anything about</p> <p>4                  autopilot?</p> <p>5                  <b>A. Correct.</b></p> <p>6                  Q. Okay. And to your knowledge,</p> <p>7                  as you sit here, do you have any knowledge</p> <p>8                  as to why it went hard over that particular</p> <p>9                  time?</p> <p>10                 <b>A. I couldn't -- not to my</b></p> <p>11                 <b>knowledge at that time, no.</b></p> <p>12                 Q. Okay, thank you. And getting</p> <p>13                 back to the wheelhouse, both -- let's start</p> <p>14                 with the upper wheelhouse.</p> <p>15                 The autopilot switch that's in</p> <p>16                 that wheelhouse, do you have anything to do</p> <p>17                 with turning that on or off?</p> <p>18                 <b>A. Nothing.</b></p> <p>19                 Q. In your understanding and</p> <p>20                 knowledge, is that a -- have -- part of any</p> <p>21                 duty of the engineer?</p> <p>22                 <b>A. None.</b></p> <p>23                 Q. And is it, in your</p> <p>24                 understanding, the duty of the mate on</p> <p>25                 watch?</p>

June 18, 2025

Page 78		Page 80
1	A. Whoever is on the controls, is	1
2	their duty.	2
3	Q. Whether it's the mate or	C E R T I F I C A T E
4	captain?	3
5	A. Yes, sir.	4 STATE OF NEW YORK)
6	Q. Okay. And does that go for the	5 :ss
7	lower bridge too, the main bridge?	6 COUNTY OF SUFFOLK )
8	A. Correct.	7
9	Q. Okay, that's all that I have.	8 I, LARIN KAYWOOD, a Notary Public
10	Thank you.	9 within and for the State of New York, do
11	MR. CHAPMAN: I don't have any	10 hereby certify:
12	further questions. Thank you,	11 That the witness whose examination is
13	Mr. McGrath.	12 hereinbefore set forth was duly sworn and
14	THE WITNESS: Thank you.	13 that such an examination is a true record
15	MR. CHAPMAN: Pleasure to meet	14 of the testimony given by such a witness.
16	you.	15 I further certify that I am not
17	THE WITNESS: You as well.	16 related to any of these parties to this
18	MR. RODGERS: We're done.	17 action by blood or marriage, and that I am
19	THE VIDEOGRAPHER: Okay. This	18 not in any way interested in the outcome of
20	is the end on the video deposition of	19 this matter.
21	Jason McGrath -- I'm sorry.	20 IN WITNESS WHEREOF, I have hereunto
22	MR. CHAPMAN: I don't know	21 set my hand this 18th day of June, 2025.
23	whether anybody else has any	22
24	questions, but I'm guessing not.	23 <i>Larin Kaywood</i>
25	MR. RODGERS: Oh, sorry. Mark,	24 Larin Kaywood
Page 79		Page 81
1	you there?	1 Errata Sheet
2	MR. NANAVATI: No questions.	2
3	No questions.	3 NAME OF CASE: IN THE MATTER OF COEYMAN'S MARINE TOWING, et al.
4	MR. CHAPMAN: Okay.	4 DATE OF DEPOSITION: 06/18/2025
5	MR. RODGERS: Okay.	5 NAME OF WITNESS: JASON MCGRATH
6	THE REPORTER: So ready to go?	6 Reason Codes:
7	MR. CHAPMAN: Yep.	7 1. To clarify the record.
8	THE VIDEOGRAPHER: This is the	8 2. To conform to the facts.
9	end on the video deposition of Jason	9 3. To correct transcription errors.
10	McGrath. The time is 12:25 p.m.	10 Page ____ Line ____ Reason ____
11	(Thereupon, the examination was	11 From _____ to _____
12	concluded at 12:25 P.M.)	12 Page ____ Line ____ Reason ____
13		13 From _____ to _____
14		14 Page ____ Line ____ Reason ____
15		15 From _____ to _____
16		16 Page ____ Line ____ Reason ____
17		17 From _____ to _____
18		18 Page ____ Line ____ Reason ____
19		19 From _____ to _____
20		20 Page ____ Line ____ Reason ____
21		21 From _____ to _____
22		22 Page ____ Line ____ Reason ____
23		23 From _____ to _____
24		24 _____
25		25 _____

June 18, 2025

Page 82

Errata Sheet

1 NAME OF CASE: IN THE MATTER OF COEYMAN'S MARINE TOWING, et al.  
2 DATE OF DEPOSITION: 06/18/2025  
3 NAME OF WITNESS: JASON MCGRATH  
4 Reason Codes: 1. To clarify the record.  
5 2. To conform to the facts.  
6 3. To correct transcription errors.  
7  
8 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
9 From \_\_\_\_\_ to \_\_\_\_\_  
10 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
11 From \_\_\_\_\_ to \_\_\_\_\_  
12 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
13 From \_\_\_\_\_ to \_\_\_\_\_  
14 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
15 From \_\_\_\_\_ to \_\_\_\_\_  
16 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
17 From \_\_\_\_\_ to \_\_\_\_\_  
18 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
19 From \_\_\_\_\_ to \_\_\_\_\_  
20 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
21 From \_\_\_\_\_ to \_\_\_\_\_  
22 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_  
23 From \_\_\_\_\_ to \_\_\_\_\_  
24 \_\_\_\_\_  
25 JASON MCGRATH

Page 83

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES ) ss.  
4  
5 I, JASON MCGRATH, hereby certify  
6 under penalty of perjury under the laws of the State of  
7 California that the foregoing is true and correct.

8 Executed this \_\_\_\_\_ day of  
9 \_\_\_\_\_, 2025, at \_\_\_\_\_,  
10 California.

11  
12  
13 \_\_\_\_\_  
14 JASON MCGRATH  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

June 18, 2025

<b>Exhibits</b>	<b>11:55</b> 72:6  <b>12</b> 11:9,22 29:9, 11  <b>12:09</b> 72:12  <b>12:10</b> 74:4  <b>12:21</b> 74:7  <b>12:25</b> 79:10,12  <b>12th</b> 58:4,15  <b>13</b> 44:18 49:13  <b>13th</b> 59:14  <b>14th</b> 60:3 61:18  <b>15th</b> 6:2 70:9 75:4  <b>16th</b> 58:4  <b>18th</b> 4:8  <b>2</b>  <b>2</b> 72:11  <b>20</b> 61:14  <b>2024</b> 5:24 6:2 10:20 12:10 52:24	<b>53:14</b> 54:12 58:4 59:14 61:18 70:9 75:4  <b>2025</b> 4:8  <b>20th</b> 52:24,25 53:14,24  <b>21st</b> 53:1  <b>23:08</b> 53:25 76:18  <b>25th</b> 11:15,23  <b>2:24-cv-00490</b> 4:6  <b>3</b>  <b>3</b> 49:12 74:6  <b>38</b> 75:17  <b>43</b> 5:10  <b>4:30</b> 28:22  <b>5</b>  <b>5</b> 74:15  <b>5/20/24</b> 76:15	<b>50</b> 24:23  <b>504</b> 53:6  <b>505</b> 53:5  <b>506</b> 53:5  <b>6</b>  <b>6</b> 58:1,6  <b>7</b>  <b>7:55</b> 60:5  <b>8</b>  <b>85</b> 24:22  <b>A</b>  <b>a.m.</b> 4:9 60:5 72:7  <b>able</b> 34:18 64:19  <b>aboard</b> 21:10 27:15 55:12 56:7 58:14  <b>abrupt</b> 48:23  <b>access</b> 22:22  <b>accessible</b>	72:19  <b>account</b> 71:11  <b>accurate</b> 28:2 48:18  <b>actually</b> 9:8 10:6 13:8 17:15 38:4 41:8  <b>address</b> 5:9 70:13,19 71:18  <b>adjust</b> 39:10  <b>affect</b> 38:23  <b>affected</b> 38:15  <b>after</b> 4:15 7:13 11:23 12:15, 21 44:8  <b>aftermath</b> 40:7  <b>afternoon</b> 28:22,23  <b>afterwards</b> 32:18 37:9,10  <b>against</b> 61:12  <b>Agent</b> 9:16  <b>ahead</b> 54:4 76:23  <b>alarm</b> 54:3 67:10 76:22
<b>0</b>				
<b>000054</b> 60:3				
<b>000503</b> 53:4				
<b>03603</b> 5:11				
<b>1</b>				
<b>1</b> 4:2 52:12,14, 16,19 76:14				
<b>10</b> 51:7 73:13,22	<b>2</b>			
<b>100</b> 12:1,23 24:10, 21 28:2 57:5 59:10 62:9 64:22 72:24	<b>2</b> 72:11	<b>5</b>		
<b>10:49</b> 4:9	<b>20</b> 61:14	<b>5</b> 74:15	<b>abrupt</b> 48:23	<b>ahead</b> 54:4 76:23
	<b>2024</b> 5:24 6:2 10:20 12:10 52:24	<b>5/20/24</b> 76:15	<b>access</b> 22:22	<b>alarm</b> 54:3 67:10 76:22

June 18, 2025

<b>alarms</b> 31:8	56:1 61:11 64:21 73:1 77:3,16	<b>attention</b> 31:2	55:8 76:19,21 14,20 59:9,24 61:17 64:12, 13,15	<b>beginning</b> 4:2 7:5,10 72:10 74:5
<b>Albuterol</b> 9:20,21,23	<b>apologize</b> 46:18	<b>autopilot</b> 19:18 20:6,16 21:14,18 26:12,25 36:25 52:2 55:3,13,21 72:16 73:3,4 77:4,15	<b>barge</b> 28:14 29:14 30:2,3,4,11,12 36:11,15 37:22 38:1 39:19,21 40:8 48:8 49:16,18 50:17,20 51:2 52:4 54:5 64:5,20 65:3 70:8 76:24	<b>believe</b> 12:21 13:16 16:23 21:9,11 24:13 33:5 42:5,20 52:25 62:18 71:1
<b>Alex</b> 63:2,10	<b>appear</b> 34:21 75:18, 21	<b>awake</b> 28:7	<b>believed</b> 14:4	
<b>allision</b> 12:15 27:18 28:8,12,21 30:15 40:8 51:14,20,24 54:13 56:6 74:24 75:8 76:11	<b>appears</b> 44:25 53:12, 19 59:23	<b>aware</b> 70:24	<b>bells</b> 17:10 59:17	
<b>allotted</b> 29:6	<b>Aries</b> 55:12	<b>awesome</b> 10:8	<b>belong</b> 22:19	
<b>Andrew</b> 6:10	<b>arrange</b> 26:5		<b>Belonged</b> 22:21	
<b>angle</b> 41:23 42:2	<b>arrangement</b> 30:9		<b>below</b> 30:2,5	
<b>answer</b> 17:25 19:5 20:14 37:3 40:13 62:9 66:2 67:15 68:6,9,10	<b>ask</b> 5:21 18:2 27:14 37:18 44:20 45:8,16 59:7 62:22 67:17	<b>B</b>	<b>Belt</b> 4:20 6:1	
<b>anybody</b> 8:10 10:17 13:21 23:20 26:18 32:15 68:3 69:18 78:23	<b>asked</b> 37:23 42:16, 21 43:13 63:8	<b>baby</b> 17:2	<b>best</b> 35:1	
<b>anything</b> 9:12 13:24 14:15 16:4 18:12 25:14 34:22 36:24 37:18 39:1,17 41:22 47:8,18 48:5 55:13,23	<b>asking</b> 20:8,10 27:20 53:5 54:21 67:18,23	<b>back</b> 5:24 16:1,19 54:4 57:11 63:13 72:11 74:6 76:17,23 77:13	<b>basically</b> 14:11 17:4 29:4 69:13	
		<b>backing</b> 35:6,18,20,22 36:4	<b>Bates</b> 45:17,20 46:1, 8	
		<b>assigned</b> 5:23 13:2,8	<b>backlogged</b> 8:8	
	<b>assist</b> 15:6	<b>bad</b> 9:2	<b>before</b> 13:4 17:1,11, 14 18:6,19 19:4 26:21 27:17,24 28:11 40:9	
	<b>assume</b> 22:11 41:19	<b>Baldassare</b> 24:4	<b>bit</b> 9:19 15:20 27:10 39:6 49:11	
	<b>Atlantic</b> 53:21 54:1,2	<b>Baltimore</b> 27:22 56:12	<b>board</b> 19:20 27:16	

June 18, 2025

56:10	31:15,16 38:17 39:5	<b>C</b>	43:4,13,25 44:5,10 50:12 52:2 66:19,21 78:4	<b>changed</b> 57:23
<b>boat</b>	<b>branch</b> 18:9	<b>call</b> 25:21 32:2,24	<b>captains</b> 43:7	<b>channel</b> 36:16
14:25 15:15 16:15 17:1,7 19:23 21:24 25:16,18 26:17 27:2 48:23 49:2 54:16 55:13 57:21 59:22 61:1 64:2 65:2,13 69:3,4 70:3 72:19,20	<b>break</b> 15:7 59:21 71:22 72:3	48:23 65:7 71:8	<b>care</b> 26:15,21	<b>Chapman</b> 4:17 5:13,17 11:21 19:9 20:10 35:14, 17 45:13,19, 24 46:3,5,11, 14,18,22
<b>boats</b> 18:4	<b>breathed</b> 9:1	21:25 26:13 32:5 55:11 61:16	<b>Carver</b> 4:5,24 6:7,22 10:12 11:12 13:1,9 18:6,20 41:20 52:21	52:11,15 54:23 56:5 58:6 59:1 64:13 67:20, 23 71:21 72:1 73:6,10,14,17, 21 74:23
<b>book</b> 16:17 22:14, 17 23:3,5 30:23,24,25 65:9,12	<b>bridge</b> 5:25 6:1 12:16 27:18 28:17 31:11 34:15, 17,18,20,22, 25 36:3,16 38:1 40:5,9 49:14,19 50:13 51:17 67:13,25 68:3, 5 70:5 78:7	<b>calling</b> 41:11,16,18	<b>camera</b> 24:12	63:19 70:12 71:1,11
<b>both</b> 20:4 32:19 33:3 43:6,8 77:13	<b>bridges</b> 42:3	<b>calls</b> 51:3	<b>case</b> 4:6 55:22	<b>Charlestown</b> 5:11
<b>bottom</b> 53:7 60:4	<b>Brooklyn</b> 53:20	<b>can</b> 6:21 13:6 14:3 15:20 17:25	<b>catch</b> 51:1	<b>check</b> 31:3 37:21 73:13
<b>bought</b> 57:14,16	<b>Brothers</b> 18:21	20:14 26:23 33:13 34:1,25 35:13 37:3	<b>caused</b> 9:3 48:24	<b>checked</b> 31:14,15,21
<b>bow</b> 29:23 30:2,5, 10 36:10 39:17	<b>brought</b> 37:4 55:2	38:25 40:13 41:25 52:11	<b>certain</b> 18:1 25:13 31:20	<b>Chesapeake</b> 56:17
<b>bow's</b> 29:24	56:16	62:14 66:2 67:15 68:9,17 69:5 74:18	<b>certificate</b> 8:4 9:5,14 10:17 12:4 75:14,19	<b>Chris</b> 16:23 17:16 40:18 41:1
<b>Bowls</b> 6:11	<b>buddies</b> 14:2	<b>can't</b> 7:25 8:1 24:1 33:6 34:7 53:22 60:25 67:2 74:1	<b>certification</b> 68:19	42:23,24
<b>box</b> 38:24	<b>bump</b> 62:17	<b>Cap</b> 42:23	<b>Certifications</b> 69:12	<b>classroom</b> 69:25
<b>boxes</b>	<b>bunch</b> 60:22	<b>captain</b> 24:10,16 26:3 31:24 33:16 34:3 35:9 36:23 37:14	38:10 48:25	<b>clear</b> 48:21 74:23
	<b>Bunker</b> 19:1		<b>change</b> 51:5 56:21 58:10 62:5	<b>cleared</b> 9:7

June 18, 2025

<b>client's</b>	<b>concluded</b>	78:8	11:11	76:15
5:25	79:12	<b>could</b>	<b>creek</b>	<b>damage</b>
<b>close</b>	<b>CONNECT</b>	15:2 16:19	28:17	5:25 37:23
34:16 71:22	21:25 22:23	20:2 22:22	<b>creeks</b>	48:6
72:2	52:22 53:4	25:3,5,17 27:6	<b>Crenshaw</b>	<b>date</b>
<b>closet</b>	76:15	36:3 38:23	4:18	4:7 12:4 53:14
15:24	<b>connection</b>	45:16 46:8	<b>crew</b>	74:25
<b>clutch</b>	19:15	47:12 59:5	15:1 51:5	<b>dated</b>
54:4 76:22	<b>contact</b>	62:4 70:20,21	56:21 58:10	61:17
<b>Clyde</b>	25:17 70:20,	71:5,8 72:20	62:4 70:5	<b>day</b>
4:23	21	74:15	74:17,19 75:3	9:22 10:3 23:9
<b>Coast</b>	<b>contacted</b>	<b>couldn't</b>	<b>crew-change</b>	28:5 37:11,12,
6:18 7:15 8:1,	11:1 38:1	10:12,17	56:16	13 42:19
25 9:5 10:25	<b>contained</b>	11:25 12:4,23	<b>crew-changed</b>	51:11,13
29:7,8 41:19	65:24	25:15 28:2	28:1	59:25 64:8
65:20 66:8	<b>Contreras</b>	42:8 51:12	<b>crossed</b>	74:24
<b>Coeymans</b>	4:10	59:11 62:9,12	39:16,20 48:7	<b>days</b>
4:4,23	<b>control</b>	64:22 68:6,10	<b>crowd</b>	27:19 51:7
<b>comment</b>	52:6	72:23 77:10	45:4	52:25 64:4
37:6	<b>controlled</b>	<b>Counsel</b>	<b>crush</b>	<b>deal</b>
<b>company</b>	39:8 69:25	4:14	9:22	26:18
4:21 6:11 21:3	<b>controls</b>	<b>count</b>	<b>current</b>	<b>dealt</b>
22:20,21	20:16 78:1	76:5	5:9	18:4 24:18
26:11,14,20	<b>cool</b>	<b>couple</b>	<b>currently</b>	<b>deck</b>
55:11,17	31:17	19:19,21	6:6	29:3 30:1,4
57:19 61:16	<b>cooling</b>	29:22 48:21	<hr/>	62:6
62:24 70:18	38:16	51:7 54:8	<b>deckhand</b>	39:18 50:16
<b>Company's</b>	<b>COPD</b>	58:18	<hr/>	<b>deckhands</b>
70:13	9:3,15	<b>court</b>	14:22 32:20	14:22 32:20
<b>completed</b>	<b>copy</b>	4:11,15	33:8 44:4	<hr/>
52:24	11:11 44:21	<b>covering</b>	<b>D&amp;e</b>	<b>decks</b>
<b>complicated</b>	<b>Corp</b>	58:3	6:11	14:10
67:21	18:11	<b>covers</b>	<b>d/b/a</b>	<b>deep</b>
<b>computer</b>	<b>correct</b>	52:25	4:5,24	8:21
22:12	38:16 45:3	<b>crafts</b>	<b>dad</b>	<b>delay</b>
<b>concerned</b>	47:2 74:21	49:8	9:15	64:25
62:8	76:12 77:5	<b>crashing</b>	<b>daily</b>	
		31:8	52:23 58:2	
		<b>credential</b>		

June 18, 2025

<b>depends</b> 30:7	<b>discharged</b> 25:23	62:7 75:18,20, 21 78:6	<b>dropped</b> 50:25	<b>else</b> 13:22 14:15 15:17 23:1 24:18 26:2 32:15 47:18 78:23
<b>deposition</b> 4:3 11:10,22 44:19 52:12, 20 58:2,8 61:14 74:16 76:14 78:20 79:9	<b>distance</b> 49:20	<b>doesn't</b> 47:19 77:3	<b>drug</b> 9:20	<b>else's</b> 11:9
	<b>do</b> 6:3,6,9,17 7:4 13:24 14:23 16:14,21 17:20 18:12	<b>doing</b> 30:19 36:22 43:6 67:25	<b>duly</b> 5:1	<b>employed</b> 57:15
		<b>don't</b> 7:25 8:17,20 11:2 24:8,24 25:6 29:6 31:1 35:1,5 37:23 38:19 40:15, 16,20,22	<b>duties</b> 15:11 69:5	<b>employment</b> 13:9
<b>described</b> 19:14 21:18 48:17 61:20 67:5 69:2,9	20:4,25 21:6 22:2 23:24 24:22 26:11, 25 27:14	41:18,20 43:5 47:13 48:12, 14 53:17 55:14,16,18	<b>duty</b> 68:21 77:21, 24 78:2	<b>end</b> 51:8 73:24 78:20 79:9
<b>describes</b> 53:25	28:10 30:8 37:18,24,25 39:13 40:23	47:13 48:12, 14 53:17 55:14,16,18	<b>E</b>	<b>ended</b> 15:5 60:8
<b>designated</b> 68:21	41:1,7 42:1,6, 11 43:10,18	56:24 57:2,3,5 59:1 62:11 63:20 65:5 67:2 69:7 71:21 72:3	<b>e-mail</b> 11:3 70:13,18 71:2,4,6,9,18	<b>engine</b> 23:17 31:14
<b>desktop</b> 22:12	45:16,19 47:10 50:23 51:22 52:1,7	74:25 78:11, 22	<b>e-mails</b> 70:17 71:5	<b>ended</b> 15:5 60:8
<b>dessert</b> 9:2	53:8,15 54:6,8 55:10,13 56:9,	74:25 78:11, 22	<b>each</b> 16:19 67:1,3	<b>engine</b> 23:17 31:14
<b>detect</b> 39:1	21 58:22 60:17 62:7	74:25 78:11, 22	<b>ear</b> 41:10	<b>engine</b> 34:10 35:24
<b>didn't</b> 7:21 8:10 12:12 17:15 25:15 35:23 38:3 43:9 45:2 47:8 48:3,5,10 70:25 71:1,24 72:23	63:18 65:2,6, 16 66:4,11,16 67:4,6,12 68:4 70:4 72:18 73:1,19,21,23 76:3,25 77:7, 16	<b>done</b> 45:7 59:18 60:21 61:19 64:3 68:22 69:24 71:23 72:2 73:7,9 78:18	<b>easy</b> 29:21	<b>engine</b> 36:17,20
<b>diesel</b> 68:23	29:18 51:4	<b>donut</b> 54:4 76:23	<b>Eaton</b> 5:10	<b>engine</b> 38:13 39:3,4
<b>difference</b> 51:11	11:8 52:20	<b>drag</b> 38:22	<b>efficiently</b> 14:12	<b>engine</b> 41:24 50:9
<b>digital</b> 51:3	54:20	<b>drill</b> 66:10,13,14	<b>either</b> 6:14 12:20 26:3 42:2	<b>engineer</b> 10:13 14:18
<b>discharge</b> 14:11	<b>does</b> 17:9 30:1,4 55:25 59:17	<b>drills</b> 66:5,18 69:2	<b>electronic</b> 48:13 65:14	<b>engineer's</b> 16:18 17:22

June 18, 2025

31:21 35:10, 25	5:3	<b>fast</b> 40:20	4:13 5:1 28:5 33:6 34:25 36:3 44:21 47:17 50:6 57:22 58:9 59:15	36:4 38:10 48:25 49:11 61:3
<b>entering</b> 53:21	<b>excuse</b> 30:3 53:5	<b>faster</b> 40:17	<b>five-man</b> 15:1	<b>found</b> 15:25
<b>entries</b> 23:2 58:18	11:9,22 44:18, 21 46:1,21,23	<b>feel</b> 17:21 49:2	<b>fix</b> 16:6 19:15 40:24	<b>front</b> 37:22,25 48:7 54:5 76:23
<b>entry</b> 53:23,24 59:15 60:3,5 77:3	47:4 49:13 52:12,16,19 53:3 58:1,5,10 59:13 61:14 74:15 75:17, 18 76:14	<b>felt</b> 31:4 35:23 38:5 48:22	<b>fixed</b> 60:9,24,25	<b>fuel</b> 14:10 23:12 25:22,23,24, 25 26:4,6,9 65:1 66:14,15
<b>entry's</b> 22:5	<b>exhibits</b> 45:22 46:19	<b>fendering</b> 48:4 49:14 50:13 59:21 60:20 61:2,4	<b>fixing</b> 31:12	<b>fueling</b> 14:10
<b>environment</b> 69:25	<b>existence</b> 45:11	<b>figure</b> 31:7	<b>flagged</b> 11:2	<b>function</b> 10:7
<b>estimate</b> 13:7	<b>expert</b> 20:9	<b>figured</b> 60:13	<b>flare</b> 9:23	<b>fundamentally</b> 5:22
<b>eventually</b> 8:12 53:20	<b>expiration</b> 10:23	<b>filled</b> 8:19	<b>flow</b> 39:8	<b>G</b>
<b>everybody</b> 24:12 43:16 67:6 69:3	<b>expire</b> 11:15	<b>filling</b> 30:20	<b>focus</b> 28:4	<b>galley</b> 42:17 43:17, 20 65:14 75:16
<b>everybody's</b> 67:8	<b>expired</b> 10:15,25	<b>finally</b> 36:9	<b>follow</b> 72:14	<b>gather</b> 62:20
<b>everything</b> 12:2 14:11 31:14,22	<b>explore</b> 59:3	<b>find</b> 15:23	<b>following</b> 76:1	<b>gathered</b> 42:16
<b>evident</b> 34:8,12	<b>exposure</b> 9:16	<b>fine</b> 32:4	<b>forever</b> 7:19	<b>gave</b> 9:12 17:21 44:9
<b>exact</b> 12:4 51:11	<b>extent</b> 20:8	<b>finish</b> 19:4 20:12	<b>forgot</b> 11:3 45:16	<b>gear</b> 15:8,9 29:4, 15,18 30:6 40:1
<b>exactly</b> 24:8 54:23 59:11	<b>F</b>	<b>fire</b> 66:13,14	<b>form</b> 9:3 17:24 35:12,16 37:2 40:12 66:1 67:15	<b>general</b> 16:16 61:17
<b>examination</b> 5:12 74:8 79:11	<b>facility</b> 58:21	<b>firm</b> 4:18	<b>forward</b> 31:5 35:23	
<b>examined</b>	74:13 77:2	<b>first</b>		

June 18, 2025

<b>generally</b> 25:19 75:14	62:6 66:15	<b>guy</b> 15:5 16:21 17:8,16 24:3, 12,14 25:19 27:5 55:2,15 61:15	<b>handed</b> 44:11 52:18	31:16 33:9 37:20 41:12
<b>get</b> 6:20 7:19 8:17,20 26:6 31:6 57:20,21 59:22 60:21 64:3,5,19 66:4,5 71:3	5:21 11:7,15 18:6 31:18 44:17 50:8 53:22 57:24, 25 70:7 72:5 74:3	<b>guys</b> 32:19	<b>handle</b> 14:19 71:17	42:5 45:9 47:11,12 51:6
<b>gets</b> 38:20	9:10,13 10:7	<b>guys'</b> 70:25	<b>handled</b> 26:2	52:5 53:18 54:6,20 62:4 64:20 65:17
<b>getting</b> 8:24 28:11 60:8 64:25 77:12	5:15,16 45:25 56:16	<b>H</b>	<b>handwritten</b> 44:14,15 46:25	66:8,23 67:6 70:12,25 71:1, 15 72:14
<b>gist</b> 34:9	<b>Gotcha</b> 8:20 9:15 30:1 33:12 51:13	<b>had</b> 7:14,15 8:6 9:1,15,21,22, 23 10:21,22,	<b>hang</b> 8:7 40:9	75:13 77:7,16, 20 78:9,11
<b>give</b> 8:10 13:6 19:3 35:1 49:25 57:25	<b>grab</b> 64:7	25 15:23 16:16 17:6	<b>head</b>	
<b>Gmail</b> 71:11,18	<b>grandfather</b> 8:11	18:5 21:21 22:14 23:7 25:12 26:13	<b>hanging</b> 75:15	24:1 36:10 42:9 50:17,20
<b>go</b> 14:21 15:7 16:6,19 19:15 20:18 26:5 29:6,11 31:3 32:10,15 34:14 35:8,24 36:7 37:21 39:16 40:23 42:9 61:11 68:15,20 75:24 76:13, 17 78:6 79:6	<b>grateful</b> 10:10	27:23 28:17 29:14 33:9 34:4,9,12 37:4,5 38:14	<b>happen</b> 66:6	54:7 59:12
<b>go-to</b> 25:19	<b>grub</b> 65:1	39:25 40:15 41:4,6,9 49:13 50:13 54:8,9 56:12 59:20, 21 60:24 64:7 65:4 68:14,21	<b>happened</b> 6:1 28:21 31:10 34:4,8, 9,12 38:4 42:14 54:8 62:4 66:6 69:2,4	27:22 35:3 41:4 64:4
<b>goes</b> 40:24 45:4	<b>Guard</b> 6:18 7:16 8:1, 25 9:5 10:25 29:7,8 41:19 65:20 66:8	70:25 72:22	<b>happens</b> 67:1	<b>heading</b> 40:9 48:2 70:8
	<b>guess</b> 24:24 25:6 45:17 56:12, 25 58:20 62:11,13	<b>hadn't</b> 18:4 35:8	<b>Harbor</b> 21:10 54:18 56:18	<b>health</b> 8:21
	<b>guessing</b> 12:7 25:7 62:19 78:24	<b>Hampshire</b> 5:11 57:8,11, 18	<b>hard</b> 19:23,25 54:3 76:22 77:8	<b>hear</b> 71:24 74:1
	<b>guidelines</b> 65:19	<b>hand</b> 11:7 41:5,7,10	<b>have</b> 6:12,17,25 7:21,25 12:19 14:20 15:11, 13 16:6 22:4 23:23 24:9,22 25:15 26:1 27:23 28:23, 25 29:2,4,5,21	<b>heard</b> 56:1
				<b>held</b> 60:20
				<b>Helm</b> 21:25 22:23
				52:21 53:4
				76:15
				<b>help</b> 14:22 15:8 72:20
				<b>helped</b> 29:16,17,18
				<b>high</b>

June 18, 2025

29:24	53:25 54:11 65:18 76:18	<b>involvement</b> 26:1	5:17 45:21 75:5	72:19
<b>hit</b>	<b>include</b>	<b>involving</b>	<b>Jimmy</b>	<b>kick</b>
38:3	14:13	19:18	31:11,23 32:5 48:2	19:23 <b>kicked</b>
<b>hitch</b>	<b>including</b>	<b>isn't</b>	<b>jmcgrath@carvercompanies.com</b>	20:18 37:6
12:20,21 27:1, 17 51:9 56:8	74:19	<b>issue</b>	70:23	<b>kind</b>
<b>hitches</b>	<b>incorrect</b>	7:15 16:19 24:19 37:5 55:21	<b>jobs</b>	22:12 23:22 30:13 40:5,8 43:8 61:8 63:9 64:24
20:24	47:21	<b>issued</b>	6:12	<b>kitchen</b>
<b>hold</b>	<b>indicate</b>	6:18	<b>joined</b>	14:9
60:23 68:7	41:23	<b>issues</b>	18:19	<b>knew</b>
<b>home</b>	<b>indicator</b>	8:21 23:22 24:15 59:15, 20	<b>journal</b>	18:3 19:18,20 26:22 71:3
51:1 60:23	42:2	<b>Item</b>	23:8	<b>know</b>
<b>Honestly</b>	<b>information</b>	61:22	<b>June</b>	9:19 11:2 12:1 16:14 20:5,15, 16 25:13,16
55:14	8:14 25:17 28:20 30:21		4:7 5:24 6:1 7:12 11:15,23 58:4,15 59:14 60:2 61:17 70:8 75:4	26:4 27:13 31:1 32:7 35:1 37:3,25 38:5 40:15,17,18, 20 41:1,7,14, 18,20 42:1,6 43:5 45:11,15
<b>hoses</b>	<b>Ingrid</b>		<b>Ja</b>	47:10 48:5 49:10 50:23, 25 51:17,18, 21,22 52:1 53:17 54:15 55:16 58:22
67:11	4:10		<b>James</b>	59:2 60:17 62:15,16
<b>hours</b>	<b>inhale</b>		<b>Jarkeis</b>	63:18,20 65:6 67:2,9 68:4,9, 12 70:22 71:2 72:18 74:25 78:22
29:3,5,6	9:22 10:3		32:25 33:1 51:2	<b>K</b>
<b>house</b>	<b>inspect</b>		<b>Jason</b>	47:10 48:5 49:10 50:23, 25 51:17,18, 21,22 52:1 53:17 54:15 55:16 58:22
57:14,16	39:17		4:3 5:1,7 60:10,15 78:21 79:9	59:2 60:17 62:15,16
<b>HR</b>	<b>inspection</b>		<b>jaybonz88@gmail.com.</b>	63:18,20 65:6 67:2,9 68:4,9, 12 70:22 71:2 72:18 74:25 78:22
70:25	75:14,19		<b>Kaywood</b>	<b>kept</b>
<b>hull</b>	<b>interested</b>		4:12	45:9 52:5
61:9	69:1		<b>Kands</b>	<b>knowledge</b>
<b>hydraulic</b>	<b>interfered</b>		55:25 56:2	45:9 52:5
14:14	40:20		<b>Jersey</b>	
<b>I</b>	<b>introduce</b>		61:2	
	4:14		<b>Jim</b>	
<b>idea</b>	<b>introduced</b>		17:6 65:13	
41:14	5:18			
<b>identification</b>	<b>invoice</b>			
52:17	61:16			
<b>immediately</b>	<b>involved</b>			
31:9 47:25	6:14 20:3,4 55:19			
<b>incident</b>				
27:24 28:5				

June 18, 2025

68:25 75:7,9 77:6,7,11,20	19:24,25 35:5 <b>Legal</b> 4:13 <b>Lenny</b> 24:5,12 25:20 <b>Leonard</b> 24:4 <b>let</b> 6:5 26:3 31:16 61:13 62:22 <b>license</b> 6:17 7:21 8:1, 24 9:4 10:13 68:20 76:1 <b>licenses</b> 7:16 <b>life</b> 18:8 <b>like</b> 6:21,23 7:20 9:20 10:11 11:14 12:23 14:4 16:7,10 17:21 18:2 21:24 22:7 23:8 24:19 27:19 28:5,24 29:13 35:22 41:20 46:24 47:6,19 48:16 49:6 58:13 61:4,5 62:17, 18,23 64:1 65:19 66:5,10, 16 67:8 69:16, 23 70:18,20, 22 71:11 75:2 <b>lines</b> 14:19 29:19, 22,23	<b>list</b> 74:17 <b>listed</b> 53:17 <b>live</b> 57:8 <b>living</b> 57:10,17 <b>LLC</b> 4:5 <b>load</b> 26:9 <b>loaded</b> 30:13 <b>located</b> 22:13 39:22 <b>log</b> 16:7,13 17:8 22:6,8 23:6 30:22 52:24 53:24 58:2 76:15 <b>logged</b> 16:17 <b>login</b> 16:15 <b>logs</b> 30:21 <b>long</b> 7:13 13:7 16:25 45:21 <b>longer</b> 11:24 <b>looked</b> 42:10 48:1 <b>lookout</b> 15:11	<b>loop</b> 11:6 <b>loose</b> 15:25 <b>loosening</b> 39:10 <b>lot</b> 9:1 17:7 28:16 34:6 49:7 <b>loud</b> 36:1 <b>lower</b> 42:4 65:15 78:7 <b>lungs</b> 9:3	<b>man</b> 14:21,23 15:3, 5 66:10 <b>manage</b> 25:21 <b>management</b> 65:7 <b>manager</b> 60:15 <b>maneuvering</b> 31:11 <b>manned</b> 75:25 <b>manning</b> 74:12 <b>manual</b> 25:16 66:9 <b>manuals</b> 72:18,22 <b>marine</b> 4:4,5,24 14:8 18:11 55:12 68:23 69:15 <b>mariner</b> 10:18 11:11 <b>mark</b> 45:18 52:11 78:25 <b>marked</b> 11:8,21 44:18 45:22 52:17, 19 53:6 58:1 61:14 <b>Martin</b> 4:19 <b>master</b> 43:2
------------------------------	--	--	--	---

June 18, 2025

<b>mate</b> 26:4 43:5 50:11 77:24 78:3	4:2 72:11 74:6	<b>mind</b> 73:19,24	<b>moving</b> 36:4 49:8	50:14,22 51:15,18,25
<b>materials</b> 65:23	<b>medical</b> 8:4 9:4,5,14 10:16 12:3	<b>minute</b> 6:21	<b>must</b> 75:25	54:7 56:3,11 57:2,6,16
<b>mates</b> 68:2	<b>medication</b> 9:6	<b>minutes</b> 5:18 73:13,22	<b>myself</b> 14:1	59:10,19 61:10 65:5 66:9 68:1
<b>matrix</b> 75:3	<b>meet</b> 78:15	<b>missing</b> 14:17 48:11	<b>N</b>	69:15,23 70:18 72:17
<b>matter</b> 4:4	<b>meeting</b> 70:5 73:16	<b>Mm-hmm</b> 11:16 53:11	<b>named</b> 56:2 76:6	73:3,5 77:11 79:2,3
<b>may</b> 24:9 37:20 52:24,25 53:1, 14,24 54:11 69:19	<b>members</b> 74:17,19	<b>monitor</b> 4:9	<b>NANAVATI</b> 79:2	<b>None</b> 77:22
	<b>memory</b> 27:14,21 33:14 48:18 49:21,23 53:18 54:6	<b>months</b> 6:25 7:1 10:23 13:10	<b>needed</b> 9:10 15:2 25:13,16,20, 24,25 26:4,14	<b>noon</b> 58:14
<b>maybe</b> 6:24 13:11 22:11 74:10	<b>mention</b> 77:3	<b>Moore</b> 74:16 75:18	31:2 40:19 55:22 58:22 59:18 60:18 72:21	<b>Norfolk</b> 4:19 64:4,19
<b>Mcgrath</b> 4:3 5:1,7,15 52:14,16,18 72:13 74:11 78:13,21 79:10	<b>mentioned</b> 26:10 37:21 48:22	<b>Moore's</b> 11:22 44:19 58:1,7	<b>never</b> 9:12 21:20,21 60:22 63:8	<b>normal</b> 31:6 39:7
	<b>mentions</b> 58:17	<b>more</b> 54:20	<b>Nicholas</b> 61:15	<b>normally</b> 28:23
	<b>merchant</b> 10:18 11:10	<b>morning</b> 5:15,16	<b>no</b> 6:8,16 7:8,14 11:24 13:3,23	<b>Notary</b> 5:2
<b>mean</b> 13:14 14:23 25:3 35:19,21 40:15 55:25 56:11,20 64:16 65:18 66:4 70:16 74:24	<b>met</b> 24:3	<b>Morrissey</b> 31:24 33:1,16	15:12 16:11, 13,16 17:17 18:14,17 21:2, 5,16,19 22:18	<b>notes</b> 16:20 17:5 73:13
	<b>metal</b> 59:20 62:6	<b>most</b> 13:14 18:8 64:23	24:2 30:24 31:8 34:23	<b>nothing</b> 14:2 18:3 31:8 39:4,12,14 48:4 70:10 77:18
	<b>middle</b> 60:4 61:23	<b>mostly</b> 18:25	36:17 37:20 38:2 39:3,14	<b>notice</b> 35:24
<b>meant</b> 35:21	<b>might</b> 12:19	<b>moved</b> 40:21 49:10	41:14 44:3,7, 14 47:16 48:6, 19 49:23	<b>noticeable</b> 48:6
<b>mechanic</b> 14:1 18:7	<b>Miller</b> 42:25 43:13 44:5,10			<b>notified</b> 10:24 26:14
<b>Media</b>				<b>notify</b> 40:19

June 18, 2025

<b>number</b>	<b>offs</b>	18:4 19:13 21:17 51:22 <b>often</b> 9:24	<b>pass</b> 44:17 61:13 <b>passing</b> 70:7	11:13 <b>physical</b> 10:24 <b>physically</b> 26:8
<b>numbers</b>	<b>oil</b>	58:24 63:2,12, 24 <b>other's</b> 16:19	<b>past</b> 37:5 40:6 54:9	<b>pictures</b> 50:19,24 51:2, 16,23
	<b>older</b>	50:5	<b>pay</b> 43:9 57:19	<b>piece</b> 62:6
	<b>only</b>	<b>overboard</b> 66:10	<b>Pearce</b> 6:11	<b>pin</b> 60:16,17
<b>O'Rourke</b>			<b>people</b> 29:24 32:3 75:6	<b>pitch</b> 48:24
63:2,10			<b>percent</b> 12:1,24 24:10, 21,23 28:2 57:5 59:10 62:10 64:23	<b>place</b> 21:8 23:1
<b>objection</b>			<b>pace</b> 49:5	<b>plate</b> 61:24
17:23 20:7,13			<b>pages</b> 46:21,22	<b>platform</b> 33:23
35:11,15 37:1			<b>pain</b> 29:25	<b>pleasure</b> 49:8 78:15
40:11 54:19			<b>paint</b> 48:11	<b>plug</b> 15:25
65:25 67:14			<b>paper</b> 23:8 30:22	<b>point</b> 33:15
68:7,8			<b>parked</b> 73:24	<b>policy</b> 57:23
<b>occasional</b>			<b>part</b> 22:8 25:5 69:22 77:20	<b>port</b> 19:25 20:3
66:5			<b>personnel</b> 76:2,6	21:6 23:23
<b>occasionally</b>			<b>participate</b> 68:15	24:6,9,16
19:14			<b>pertaining</b> 69:17	61:25 66:20, 21
<b>occur</b>			<b>particular</b> 30:9 77:8	<b>Porter</b> 32:22 50:16
69:21			<b>particularly</b> 56:11	<b>Portside</b>
<b>occurred</b>			<b>phone</b> 40:19 41:2,5, 7,10	
12:16 27:18			<b>photocopy</b>	
28:8 30:15				
56:6				
<b>October</b>				
8:16				
<b>off</b>				
13:19,21,25				
16:22 17:18				
24:1 28:24				
29:2 42:8 43:7				
44:11 50:25				
54:7 59:11,21				
72:6 74:3				
77:17				
<b>offhand</b>	<b>other</b>	9:20 17:16		
12:5				

June 18, 2025

20:1 <b>Portsmouth</b> 4:20	11:12 <b>production</b> 53:3	<b>Q</b>	<b>ran</b> 40:17 47:25	<b>red</b> 23:5
<b>post</b> 61:25 62:8	<b>program</b> 55:24	<b>quarters</b> 33:20	<b>ratchet</b> 60:22	<b>red-flagged</b> 9:13
<b>power</b> 15:23,24 16:5	<b>project</b> 60:14,15	<b>question</b> 20:9 40:14	<b>rating</b> 67:19	<b>refer</b> 65:17
<b>preeexisting</b> 26:16	<b>prop</b> 38:22	59:6 66:3 67:21 69:8	<b>read</b> 54:1 66:9	<b>reference</b> 60:10
<b>prepare</b> 70:2	<b>propulsion</b> 14:7	<b>questions</b> 5:22 18:2 19:4 21:13 25:12 73:11 74:11	<b>reading</b> 62:19	<b>referred</b> 31:23
<b>Preparing</b> 61:24	<b>protects</b> 61:8	78:12,24 79:2, 3	<b>ready</b> 79:6	<b>regarding</b> 70:5
<b>Pressures</b> 23:14,16	<b>provided</b> 52:21	<b>quick</b> 16:10 38:21 42:17 74:10	<b>real</b> 29:25 49:5,9 59:19 74:10 76:13	<b>regularly</b> 66:7
<b>pretty</b> 17:1,2 34:8,12 36:1 71:22 72:2	<b>provides</b> 66:17	<b>quickly</b> 76:13	<b>reason</b> 65:17	<b>regulations</b> 8:2 65:20
<b>preventing</b> 8:24	<b>Public</b> 5:2	<b>quit</b> 63:22	<b>recall</b> 26:23 30:8 41:25 68:12 69:6 70:4	<b>reissued</b> 8:12
<b>previously</b> 11:8 19:19 44:18	<b>pulmonary</b> 10:6		<b>recalls</b> 59:8	<b>relate</b> 51:23
<b>print</b> 52:23	<b>pure</b> 24:19	<b>R</b>	<b>received</b> 66:23	<b>related</b> 68:13 69:4
<b>prior</b> 10:23 45:22	<b>push</b> 15:8,9 16:10 18:24 29:18	<b>Rachel</b> 45:17,19,21, 25	<b>recently</b> 9:8	<b>relative</b> 21:13
<b>probably</b> 63:5	30:6 61:11	<b>rack</b> 33:10	<b>recess</b> 72:8	<b>relayed</b> 70:11
<b>problem</b> 21:21 26:16 36:25	<b>pushing</b> 29:15 39:25	<b>radar</b> 15:17,19	<b>recollection</b> 35:2 43:12	<b>remember</b> 7:3,4 12:12 16:21 18:18 20:25 21:3,6
<b>problems</b> 19:13,17 21:15	<b>put</b> 15:8,9 16:1 29:14,18,22 46:8 51:4 59:5	<b>radios</b> 15:16	<b>record</b> 5:6 16:7,9 21:25 28:20 46:9,16 72:6, 12 74:3,7	22:2 23:24 24:2,8 25:4 27:15 28:6,11, 13 30:18,20 33:6,13 34:7 35:6,9 37:23 42:11 43:15, 20 44:7 47:13
<b>produced</b>	<b>putting</b> 35:10 41:15	<b>Railroad</b> 4:20 31:10		

June 18, 2025

48:13,14 50:14 54:8 55:1,2,11,14, 18 56:7,9,25 57:4,5 59:4 60:25 64:9 65:2,5 67:3,12	<b>responsibilitie</b> <b>s</b> 14:5 68:14 <b>responsibility</b> 15:14 22:4	<b>roll</b> 31:4 35:23 <b>rolled</b> 38:10 <b>room</b> 22:15,24 23:3 28:19 30:17, 19 31:14 33:19 34:10 35:25 36:18, 21 38:8 39:4 41:24	<b>running</b> 31:22 <b>runs</b> 66:18	<b>scrambled</b> 38:11 <b>scrapping</b> 61:11 <b>sea</b> 70:8 <b>seals</b> 38:15 <b>section</b> 75:24 76:6,17
<b>remembered</b> 42:12	<b>reverse</b> 35:10	22:15,24 23:3 28:19 30:17, 19 31:14 33:19 34:10 35:25 36:18, 21 38:8 39:4 41:24	<b>S</b>	
<b>remembers</b> 54:22 67:24	<b>reviewed</b> 58:25 59:2	5:23 13:2,5,9, 16 14:6 17:22 19:12 27:16 58:3 72:16 73:1 75:3,22	<b>safety</b> 65:6	
<b>renewed</b> 12:2,3	<b>rewelded</b> 59:22	<b>Rose</b> 5:23 13:2,5,9, 16 14:6 17:22 19:12 27:16 58:3 72:16 73:1 75:3,22	<b>said</b> 10:7 12:23 20:22 24:21 <b>sail</b> 30:12 34:7 36:24 41:20 49:6 62:18 72:1	<b>secure</b> 61:21
<b>repair</b> 58:20 61:17 62:21 63:9 64:2,3 73:2	<b>ring</b> 17:9 59:17	<b>rotated</b> 16:22 43:4	<b>sense</b> 41:12	
<b>repaired</b> 58:23 59:8 62:25	<b>river</b> 70:6	<b>rotation</b> 13:18	<b>separate</b> 29:22	
<b>repairs</b> 16:9 25:13 58:19 64:3	<b>Rodgers</b> 4:22 11:19	<b>rounds</b> 28:19	<b>serve</b> 7:24	
<b>reply</b> 71:5	17:23 20:7,12 24:24 25:2,4 35:11,15 37:1 40:11 45:6,12, 15,23 46:4,6, 12,16,20 52:7, 13 54:19,24 56:24 57:3 58:5,24 59:5 62:11,14 64:11,14 65:25 67:14, 21,22 68:7 70:15 71:24 72:4 73:9,10, 12,15 74:1,9 75:2 78:18,25 79:5	<b>RPMS</b> 35:24	<b>service</b> 18:10,16 72:25	
<b>reported</b> 23:21 24:7	<b>rub</b> 60:19	<b>rubber</b> 61:5,6	<b>sanitary</b> 14:9	
<b>reporter</b> 4:12,16 5:5,8 19:3,7 27:9,12 36:19 47:22 49:25 50:4 56:4 58:7 73:19,23 79:6	<b>rudder</b> 16:5,15 19:13 20:3 41:23 42:2 61:25 62:8	<b>rubber</b> 61:5,6	<b>sat</b> 60:20 64:6	
<b>representing</b> 4:19,23	<b>run</b> 29:1 40:16	<b>rudders</b> 20:4,17,18	<b>Saturday</b> 28:22	
<b>resolved</b> 59:16,20	<b>role</b> 24:9	<b>run</b> 29:1 40:16	<b>SB</b> 54:2 76:18,21	
			<b>schools</b> 68:19,23,24 69:10,24	
			<b>scope</b> 66:3	
				<b>shallow</b> 38:21
				<b>Sharif</b> 32:17,22 33:8, 9 39:15,19

June 18, 2025

50:16	<b>signed</b>	26:11 28:15	38:13 50:9	<b>state</b>
<b>shift</b>	47:11	30:13 33:15	<b>specific</b>	5:2,5 22:14
29:5	<b>signing</b>	59:15,20,21	68:11	28:19 38:6
<b>shimmy</b>	47:13 48:13	64:3,24 69:9	<b>specifically</b>	<b>stated</b>
47:20,24 49:3	<b>sir</b>	73:11	37:19	9:8,9
<b>ship</b>	5:20 6:13	<b>somebody</b>	<b>specifies</b>	<b>statement</b>
58:20 61:17	12:19 18:17	11:9 24:18	25:14	42:12,17,22
	20:1 31:25	26:2 41:2,8	<b>Spiriva</b>	43:14 44:1,10,
<b>shipyard</b>	48:19 51:25	56:2 62:24	9:25	13,22 45:1,2,
60:14,15	53:9 60:12	<b>someday</b>		11 47:1
<b>shopping</b>	64:17 73:3	51:23	<b>spoke</b>	<b>statements</b>
64:7	75:23 76:9,20	<b>something</b>	60:14	43:22
	78:5	11:3 14:16	<b>spot</b>	<b>station</b>
<b>shore</b>	<b>sit</b>	16:7,10 26:11,	8:19 56:16	22:13
23:21 26:19	30:2,4 43:17	13,25 31:6	<b>spots</b>	<b>status</b>
<b>shore-side</b>	66:8 77:7	40:24 42:10	56:21	10:14
69:14	<b>sitting</b>	43:10 48:25	<b>spring</b>	<b>stay</b>
	22:23 38:9	62:24 66:22	29:23	29:9 36:14
<b>short</b>	<b>sixth</b>	68:2	<b>springtime</b>	<b>steer</b>
14:21,24 72:8	15:2,4	<b>sometime</b>	12:11	20:21
<b>shortly</b>	<b>slow</b>	10:20 12:9,15	<b>squared</b>	<b>steering</b>
27:24 32:17	27:9 40:16	<b>sometimes</b>	7:19 8:14	14:13,14
40:6 51:20	47:22,23 49:3,	15:22 16:12	<b>stamp</b>	21:13,15,19,
	5,9	29:2 39:6 65:7	45:17 46:8	21,22 54:3
<b>Showed</b>	<b>slowed</b>	<b>somewhere</b>	<b>stanchions</b>	76:21
76:17	47:20	21:10 53:20	28:15 30:13	<b>still</b>
<b>shown</b>	<b>slower</b>	<b>sort</b>	<b>standing</b>	6:17 9:9 34:16
76:16	40:17	10:14 23:16	58:19	39:25 40:4
<b>shows</b>	<b>small</b>	48:24 60:4	<b>starboard</b>	60:23 63:18,
46:17	14:1 16:12	69:13	36:7,12,13	21 71:15
<b>side</b>	33:21 49:7	<b>sound</b>	61:3,21	<b>stood</b>
20:18,19,21	51:3	<b>sounds</b>	<b>start</b>	55:22
23:21 26:20	<b>smaller</b>	10:11 29:13	6:5 27:17 56:8	<b>stop</b>
38:20 59:22	13:4	48:16	77:13	31:5 48:24
61:3,21	<b>SMS</b>	<b>southbound</b>	<b>started</b>	62:17
<b>sign</b>	65:8,24 69:22	53:21 54:1	35:8	<b>stopped</b>
66:23	<b>some</b>	55:7 76:19	<b>starts</b>	10:21 12:9
<b>signature</b>	5:21 9:20	<b>space</b>	60:2	63:22
47:5	15:16 22:11			

June 18, 2025

<b>straps</b> 60:23	<b>swinging</b> 36:11,13	43:21 60:8 64:12 69:19 74:12	40:24 48:21 61:19	4:7 76:14 <b>told</b> 43:10 45:1 47:7,12 50:15 57:7
<b>Street</b> 5:10	<b>switch</b> 29:4 43:7	<b>talks</b> 58:10	<b>think</b> 8:16 9:25 10:19,23	47:7,12 50:15 57:7
<b>stretch</b> 70:6	<b>sworn</b> 77:15	<b>taxi</b> 56:16	11:10 12:8 13:13 27:23	<b>ton</b> 72:22
<b>Strictly</b> 44:15	<b>sync</b> 20:17	<b>TBS</b> 53:4	28:1 31:2 33:10 36:6 45:6 54:13	<b>tonnage</b> 68:22
<b>stuff</b> 9:2,21 25:19 66:16 69:14, 16,17	<b>system</b> 16:15 19:18 21:14,15,24, 25 22:5 26:12 38:16 52:22 65:7 68:23 69:22 72:16	<b>tech</b> 68:23,25	56:14 64:8 71:22 72:1	<b>top</b> 24:1 34:19 42:8 54:7 59:11
<b>stuffing</b> 31:15 38:17, 23 39:5		<b>technician</b> 19:21 20:22 21:1 26:10,24 43:9 54:10,14, 21 55:11	<b>threw</b> 11:6	<b>touch</b> 71:3
<b>sudden</b> 31:4 49:10	<b>systems</b> 14:8,9 15:15, 16 69:15	<b>temps</b> 23:17,18	<b>tight</b> 33:20,21	<b>touched</b> 50:13
<b>summer</b> 7:5,8,10 10:20 12:9,12		<b>ten</b> 6:25	<b>tightening</b> 39:11	<b>touching</b> 49:22
	<b>T</b>	<b>term</b> 35:17	<b>till</b> 48:6 60:23	<b>tough</b> 22:14,16 23:3
<b>Supplies</b> 25:18	<b>take</b> 15:8 18:5 19:23 27:6 44:8 71:21 72:3 74:18	<b>terms</b> 34:24 48:18	<b>time</b> 4:8 6:22 13:7, 15 26:24 27:4	<b>tow</b> 15:7,9
<b>supply</b> 15:24		<b>test</b> 10:7	28:24 42:9 43:6,17 44:2	<b>Towing</b> 4:4,5,24,25
<b>surveyed</b> 65:3,4	<b>taken</b> 26:14,21 50:20,24 51:2, 17,23 72:9	<b>testified</b> 5:3 48:22	51:19 53:13, 24 64:23,25	<b>track</b> 16:8
<b>surveyor</b> 65:4		<b>That'd</b> 68:2	67:1,3,6 71:10 72:6,12 74:3,7	<b>traffic</b> 28:16 49:7
<b>suspended</b> 10:14	<b>takes</b> 29:23	<b>thing</b> 23:16 59:19	75:7 76:11 77:9,11 79:10	<b>train</b> 51:1
<b>swapped</b> 17:19	<b>taking</b> 28:14 38:14	<b>things</b> 16:12,17 17:6 18:1 23:11 25:10 31:3,20	<b>times</b> 19:22 54:9 58:18	<b>trained</b> 68:2,5
<b>swear</b> 4:16	<b>talk</b> 25:11 62:23		<b>today</b> 5:22	<b>training</b> 17:21 65:22
<b>swearing</b> 34:6 36:22 48:3	<b>talking</b> 32:9 41:8,13		<b>today's</b>	66:4,17,24 67:5,12,24

June 18, 2025

68:11,18 69:2, 4,21,22,23,24 72:15	<b>two-week</b> 27:17 56:8	<b>upper</b> 32:10,16 33:22 35:4 37:15 42:7 47:16 48:1 77:14	<b>version</b> 44:25 45:10 46:25	72:14
<b>transit</b> 61:22 67:13	<b>type</b> 25:10 44:12 45:2 47:8 62:23 68:18		<b>vessel</b> 4:25 25:22 27:16 36:4	<b>wants</b> 29:8
<b>transits</b> 67:25 68:5 70:6	<b>typed</b> 44:25 45:10 46:7,13,25 47:11	<b>ups</b> 9:23	43:3 53:13,19 56:7,10 58:14, 19,23 59:9,24 69:22 75:25	<b>Ware</b> 4:18
<b>transportation</b> 57:20		<b>upset</b> 37:15	<b>vessels</b> 18:13	<b>wasn't</b> 9:24 10:24 28:15 38:2 51:13 62:3,20
<b>Tree</b> 6:11	<b>U</b>	<b>use</b> 9:24 32:4 71:10	<b>vicinity</b> 21:7 40:4	<b>watch</b> 28:25 77:25
<b>trestle</b> 34:15	<b>Underneath</b> 44:24	<b>used</b> 23:12,13 35:17 52:2	<b>video</b> 78:20 79:9	<b>watches</b> 28:24
<b>trouble</b> 8:6	<b>understand</b> 6:3 21:23 32:3 40:14 66:3 67:16 69:7,21	<b>using</b> 52:6	<b>Vietnam</b> 9:18	<b>water</b> 12:13 14:2 18:8 31:17,18 38:14,15 52:8 66:16
<b>troubleshoot</b> 72:20 73:2	<b>understanding</b> 45:9 77:19,24	<b>usually</b> 15:1 29:1 56:15 64:23	<b>voyage</b> 7:13	<b>Wednesday</b> 4:7
<b>truth</b> 48:15	<b>understood</b> 64:16	<b>V</b>	<b>W</b>	<b>weeks</b> 13:19,21,24 16:22 27:20
<b>trying</b> 59:3,4,7 69:20	<b>underway</b> 28:11,18 37:22 39:23, 24 53:19 64:19 69:16	<b>V-A-N-E</b> 19:9	<b>wait</b> 45:4 57:15 64:21 65:4	51:7 54:12
<b>tug</b> 5:23 13:4 30:5 36:15 39:21 40:8 49:15,18 51:19 52:3 59:15 74:12 75:3	<b>unless</b> 56:18 73:8	<b>VA</b> 7:18 8:15 9:11,13	<b>waiting</b> 60:21	<b>weep</b> 39:6
<b>tugs</b> 19:1	<b>unlicensed</b> 76:1	<b>valid</b> 10:16	<b>walkthrough</b> 34:10 39:15	<b>weight</b> 30:7
<b>turn</b> 28:17 47:3 60:1	<b>unlimited</b> 68:22	<b>Vane</b> 18:21,22 19:8, 9	<b>want</b> 6:24 8:10,17, 20 24:15,20 27:14 28:4 44:20 45:8 48:20 67:17 76:16	<b>weld</b> 61:24
<b>turning</b> 77:17	<b>until</b> 10:25 45:4	<b>vary</b> 29:3	<b>wanted</b> 32:6 38:13	<b>welding</b> 60:16,18,21
<b>two-way</b> 27:1	<b>upcoming</b> 16:18	<b>verification</b> 9:10		<b>wet</b> 31:16
				<b>whatnot</b> 15:6 23:19 25:14 28:15 31:19 65:21

June 18, 2025

<b>wheelhouse</b>	49:9 51:3 54:3 31:9 32:11,16 33:18,22 35:4 37:16 40:22 42:4,7 47:17 48:1 50:6 65:15 77:13, 14,16	55:13,17,20, 21 58:25 59:2 60:2,14 64:20 68:24 69:3 70:8 71:4 73:15 75:25 76:22 77:14, 17	63:18	<b>Y</b>
<b>whereupon</b>	52:16 72:8		<b>would</b>	12:17 14:13, 21 15:5 16:7, 9,12 18:2 19:22,23 20:18,21 23:2 25:11 26:3,5,8 28:23,24 41:23 43:7 46:2 47:10 51:6 56:21 62:23 63:5 66:6,16,19,23 67:4,5,10 70:22
<b>whether</b>	16:14 20:3,4 27:19 30:9 37:25 42:1 65:1 68:4 70:4 72:23 78:3,23	5:2 39:3	<b>within</b>	41:23 43:7 46:2 47:10 51:6 56:21 62:23 63:5 66:6,16,19,23 67:4,5,10 70:22
<b>which</b>	4:15 11:10 43:6 52:20 58:2 59:14 60:19 71:15	19:6 27:11 36:20 47:23 50:2 52:9 57:1 62:12 78:14, 17	<b>without</b>	7:10 12:14 18:1 24:11 63:1,6 70:10
<b>will</b>	4:16		<b>witness</b>	<b>would've</b>
<b>window</b>	6:22	47:15 49:4		7:10 12:14 18:1 24:11 63:1,6 70:10
<b>with</b>	4:13,18 7:15 8:7 9:3,6 10:24 12:15 13:9 16:22 17:5,8,15 18:4,12 19:13 21:4,15,18,21 24:14,18 26:18 27:18 28:15 29:3,18 30:13 32:16 33:15 34:22 36:25 37:16 39:2,4 40:19, 20 41:2 44:1	14:1 17:7,15 18:6 29:3 60:21 68:3,20	<b>words</b>	15:23 16:12 52:5
<b>worked</b>			<b>work</b>	<b>Wow</b>
<b>working</b>		6:22 10:9 13:1,13 14:2 18:19,21 68:21 70:13 12:9 13:15 16:6 19:11 55:20 63:21, 23 68:3,24 71:10		9:17
<b>works</b>			<b>write</b>	<b>you're</b>
				20:8 32:9 38:20 46:14, 15 54:21 64:11 67:17 73:9
				<b>you've</b>
				45:1 52:18
				<b>yourself</b>
				4:15 74:20